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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
 )  
COMMONWEALTH EDISON COMPANY, )  
 )  
 ) No. 10-0467  
 )  
Proposed general increase in )  
Electric rates. (Tariffs filed )  
June 30, 2010.) )

Chicago, Illinois  
January 12, 2011

Met pursuant to notice at 9:00 a.m.

BEFORE:

CLAUDIA E. SAINSOT and GLENNON P. DOLAN,  
Administrative Law Judges.

1 APPEARANCES:

2 EXELON BUSINESS SERVICES, by  
3 MR. RICHARD G. BERNET and  
4 MR. EUGENE H. BERNSTEIN  
10 South Dearborn Street, 49th Floor  
Chicago, Illinois 60603  
-and-

5 ROONEY RIPPPIE & RATNASWAMY LLP, by  
6 MR. E. GLENN RIPPPIE and  
7 MR. JOHN E. ROONEY  
350 West Hubbard Street, Suite 430  
Chicago, Illinois 60654  
-and-

8 SIDLEY AUSTIN, LLP, by  
9 MR. G. DARRYL REED  
One South Dearborn Street  
Chicago, Illinois 60610  
10 Appearing on behalf of ComEd;

11 MR. JOHN C. FEELEY, MS. JENNIFER L. LIN and  
12 MS. MEGAN C. McNEILL  
160 North LaSalle Street, Suite C-800  
Chicago, Illinois 60601  
13 Appearing on behalf of Staff;

14 MS. JANICE A. DALE and  
15 MS. KAREN L. LUSSON  
100 West Randolph Drive, 11th Floor  
Chicago, Illinois 60601  
16 Appearing on behalf of the People of the  
17 State of Illinois;

18 ROWLAND & MOORE LLP, by  
19 MR. STEPHEN J. MOORE  
200 West Superior Street, Suite 400  
Chicago, Illinois 60610  
20 Appearing on behalf of Natural Resources  
Defense Council and Dominion Retail, Inc.;

21

22

1 APPEARANCES: (CONT'D)

2 MS. KRISTIN C. MUNSCH and  
3 MS. CHRISTIE R. HICKS  
4 309 West Washington Street, Suite 800  
5 Chicago, Illinois 60606  
6 Appearing on behalf of CUB;

7 DLA PIPER LLP (US), by  
8 MR. CHRISTOPHER J. TOWNSEND,  
9 MR. CHRISTOPHER N. SKEY and  
10 MR. MICHAEL R. STRONG  
11 203 North LaSalle Street, Suite 1900  
12 Chicago, Illinois 60601  
13 Appearing on behalf of REACT;

14 JENKINS AT LAW LLC, by  
15 MR. ALAN R. JENKINS  
16 2265 Roswell Road, Suite 100  
17 Marietta, Georgia 30062  
18 Appearing on behalf of The Commercial Group;

19 LUEDERS ROBERTSON & KONZEN, LLC, by  
20 MR. ERIC ROBERTSON  
21 P.O. Box 735  
22 1939 Delmar Avenue  
Granite City, Illinois 62040  
Appearing on behalf of IIEC;

OFFICE OF THE GENERAL COUNSEL, by  
MR. LOT H. COOKE  
1000 Independence Avenue SW  
Washington, DC 20585  
Appearing on behalf of the U.S. Department of  
Energy;

BOEHM KURTZ & LOWRY, by  
MR. KURT J. BOEHM  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Appearing on behalf of Kroger Company;

22

1 APPEARANCES: (CONT'D)

2 MR. RONALD D. JOLLY  
3 30 North LaSalle Street, Suite 1400  
4 Chicago, Illinois 60602  
5 Appearing on behalf of the City of Chicago;

6 HINSHAW & CULBERTSON, LLP, by  
7 MR. EDWARD R. GOWER  
8 400 South Ninth Street, Suite 200  
9 Springfield, Illinois 67201  
10 Appearing on behalf of Metra;

11 BALOUGH LAW OFFICES LLC, by  
12 MR. RICHARD C. BALOUGH and  
13 MS. CHERYL DANCEY BALOUGH  
14 One North LaSalle Street, Suite 1910  
15 Chicago, Illinois 60602  
16 Appearing on behalf of the CTA;

17 MR. JOHN P. GOMOLL  
18 P.O. Box 211  
19 Saint Charles, Illinois 60174  
20 Appearing on behalf of ICEA.

21 SULLIVAN REPORTING COMPANY, by  
22 Tracy Overocker, CSR  
Carla Camiliere, CSR  
Amy Spee, CSR

1		<u>I N D E X</u>				
2	<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
3	THERESA EBREY	721	727			
4			740			
			748			
5	JAMES CRIST	805				
6						
	GREG ROCKROHR	810	813			
7			821			
			828			
8			836			
			838			841
9			842	877	878	
10	PETER LAZARE	883	884			
			891			
11			905			
12	ROBERT STEPHENS	916	919			
			926	966		
13						
	DAVID STOWE	969	971	999	1000	
14						
	MARK LOWRY	1010	1013	1042	1047	
15						
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20						
21						
22	In camera pages 855-880					

1	<u>E X H I B I T S</u>		
2	<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
3	KROGER		
	#1.0,1.1,2.0,2.1	720	720
4	STAFF		
	#1.0,1.01-1.12		726
5	16.0,16.1-16.15		726
	A-C		726
6	#8,11&12		797
	#6.0,A-T&21.0		813
7	#A-E		813
	#10.0 S1,26.0		884
8	AG		
	#6	734	
9	#7	736	
	COMED		
10	#1&2	755	
	#3&4	756	
11	#6	792	
	#7	794	
12	#4-7		796
	#8		851
13	#9	867	876
	#10	943	
14	#11-13		1001
	#47.0-47.2		1013
15	DOMINION		
	#1-3		807
16	COMMERCIAL GROUP		
	#1.0,1.1-1.3,2.1&3.0		809
17	ICEA		
	#1,2&3		882
18	IIEC		
	#1	899	915
19	#2.0-2.3,5.0-5.5		918
	#3.0-C,3.1,3.2,6.0&6.1		971
20	METRA		
	#1.0,1.01,1.02,1.1,2.0		1004
21	2.01&2.1		1004
22			

1           JUDGE DOLAN: By the direction and authority of  
2   the Illinois Commerce Commission, I call Docket  
3   No. 10-0467, Commonwealth Edison Company's proposed  
4   general increase in electric rates to order.

5                    Would the parties please identify  
6   themselves for the record.

7           MR. BERNET: Richard Bernet, 10 South Dearborn,  
8   Suite 4900, Chicago 60603, on behalf of the  
9   petitioner, Commonwealth Edison Company.

10          MR. RIPPPIE: Also on behalf of Commonwealth  
11   Edison Company, Glenn Rippie, John Ratnaswamy and  
12   Carla Scarcella, all of Ronney, Rippie & Ratnaswamy,  
13   LLP, 350 West Hubbard, Suite 430, Chicago, 60654.

14          MS. LIN: On behalf of Staff of the Illinois  
15   Commerce Commission, Jennifer Lin, John Feeley and  
16   Megan McNeill, 160 North LaSalle Street, C-800,  
17   Chicago, Illinois 60601.

18          MR. BOEHM: Appearing on behalf of the Kroger  
19   Company, Kurt Boehm, 36 East Seventh Street,  
20   Cincinnati, Ohio 45202.

21          MR. SKEY: On behalf of the Coalition to  
22   Request Equitable Allocation of Costs Together, the

1 REACT Coalition, Christopher Townsend, Christopher  
2 Skey and Michael Strong, DLA Piper, 203 North  
3 LaSalle, Chicago, Illinois.

4 MS. DALE: On behalf of the People of the State  
5 of Illinois, Janice Dale, Office of the Illinois  
6 Attorney General, 100 West Randolph Street, Chicago,  
7 Illinois 60601.

8 MR. MOORE: On behalf of Dominion Retail, Inc.,  
9 and the Natural Resources Defense Council, Stephen  
10 Moore of the law firm of Rowland & Moore, LLP,  
11 200 West Superior Street, Suite 400, Chicago,  
12 Illinois 60654.

13 MR. COOKE: On behalf of the Department of  
14 Energy, Lot Cooke, 1000 Independence Avenue  
15 Southwest, Washington, D.C. 20585.

16 And, Judge Sainsot and Dolan, just to  
17 reiterate what I said at the status conference on  
18 Friday, I will not be here tomorrow, Friday and I  
19 haven't yet decided whether I'll be back next week or  
20 not.

21 JUDGE DOLAN: Okay.

22 MR. JENKINS: Good morning, your Honors. Alan



1     Jenkins on behalf of The Commercial Group, 2265  
2     Roswell Road in Marietta, Georgia.

3             MS. HICKS:  On behalf of the Citizens Utility  
4     Board Christie Hicks and Kristin Munsch, 309 West  
5     Washington, Suite 800, Chicago, Illinois 60606.

6             MR. ROBERTSON:  Eric Robertson, Lueders,  
7     Robertson & Konzen, P.O. Box 735, 1939 Delmar,  
8     Granite City, Illinois 62040, on behalf of IIEC.

9             JUDGE DOLAN:  Are there any other appearances  
10    over the telephone?

11                         (No response.)

12                         Then with that, let the record reflect  
13    that there are no other appearances.

14                         Before we proceed with the first  
15    witness, Mr. Boehm has asked if he could just  
16    introduce his exhibits into the record, so we'll let  
17    him do that real quick.

18             MR. BOEHM:  Thank you.

19                         Kroger moves for the admission of the  
20    direct testimony of Neal Townsend marked as Kroger  
21    Exhibit 1.0 and the attached exhibits to that  
22    testimony marked as Kroger Exhibit 1.1.

1                   Kroger also moves for the admission of  
2   the rebuttal testimony of -- and exhibits of Neal  
3   Townsend which are marked as Kroger Exhibit 2.0 and  
4   2.1 respectively.

5           JUDGE SAINSOT: Any objection?

6           MR. RIPPIE: No, your Honor.

7           JUDGE SAINSOT: Hearing no objection, your  
8   motion is granted, Counsel, and Kroger Exhibits 1.0,  
9   1.1, 2.0 and 2.1 are admitted into evidence and  
10   you're going to give us hard copies; right?

11          MR. BOEHM: Yes.

12          JUDGE SAINSOT: Okay. Thanks.

13                   (Whereupon, Kroger  
14                   Exhibit Nos. 1.0, 1.1,  
15                   2.0 and 2.1 were  
16                   marked for identification  
17                   and admitted into evidence)

18          JUDGE DOLAN: Miss Lin, are you ready to  
19   proceed?

20          MS. LIN: Yes. Staff calls Theresa Ebrey.

21

22                   (Witness sworn.)

1                   THERESA EBREY,  
2       called as a witness herein, having been first duly  
3       sworn, was examined and testified as follows:  
4                   DIRECT EXAMINATION  
5                   BY  
6                   MS. LIN:  
7           Q     Good morning, Miss Ebrey.  
8           A     Good morning.  
9           Q     Could you please introduce yourself to the  
10       Commission and the ALJs, please.  
11          A     My name is Theresa Ebrey. Last name is  
12       spelled E-b-r-e-y. I'm an accountant with the  
13       Accounting Department, Financial Analysis Division of  
14       the Illinois Commerce Commission.  
15          Q     I'm going to direct your attention to what  
16       you have in front of you as ICC Staff Exhibits 1.0  
17       and ICC Staff Exhibit 16.0. ICC Staff Exhibit 1.0  
18       has Schedules 1.01 through 1.12 as well as  
19       Attachments A through F, while ICC Staff Exhibit 16.0  
20       has attached Schedules 16.01 through 16.15 as well as  
21       Attachments A through C.  
22                   Do you see those?

1           A     Yes.

2           Q     And would that be your direct and rebuttal  
3 testimony that you filed in this docket?

4           A     Yes, it is.

5           Q     Do you have any changes to either one of  
6 those pieces of testimony?

7           A     Yes, I do. These changes are just to the  
8 rebuttal testimony, Exhibit 16.0. In the text of  
9 that testimony on Page 10, Line 189 the end of that  
10 line in parentheses is the word "new," that word  
11 should be "dropped," d-r-o-p-p-e-d.

12                     And in addition to that, there are  
13 some changes to exhibits mostly as a result of  
14 testimony that was filed in surrebuttal. The first  
15 one is a typographical error. It's on 16.08. In  
16 Source No. 2 there's a calculation at the end of the  
17 line that is -- the number is 83,339. That number  
18 should be 83,889.

19           MR. BERNET: I'm sorry. What page are you on?

20           MS. DALE: What page?

21           THE WITNESS: Schedule 16.08.

22           MS. DALE: Which --

1 THE WITNESS: Page 4 of 4, I'm sorry.

2 JUDGE SAINSOT: 16.08.

3 MS. DALE: And could you repeat the question

4 again?

5 THE WITNESS: In Source No. 2, at the end of

6 that line, there's a number 83,339, that should be

7 83,889.

8 MS. DALE: And the rest of the number is the

9 same?

10 THE WITNESS: Right. And that calculation

11 would change the amount on Line No. 4.

12 JUDGE SAINSOT: What's the number again? I'm

13 sorry.

14 THE WITNESS: The schedule number?

15 JUDGE SAINSOT: No, the dollar amount.

16 THE WITNESS: The last line of the schedule,

17 the 83,339.

18 JUDGE SAINSOT: Why don't we do this: At the

19 break can you make those changes in the record, I

20 think that's the safe way.

21 MS. DALE: Pardon me, I did not get the change

22 to the text. Was it on Page 10?

1           THE WITNESS:   Page 10, Line 189.   At the end of  
2   the line, the word "new" should be changed to the  
3   word "dropped."

4           MS. DALE:   Oh, okay.   Thank you.

5   BY MS. LIN:

6           Q    Miss Ebrey, aside from the change in your  
7   rebuttal testimony as well as the schedule that you  
8   had just talked about, are there any other changes to  
9   either your direct or rebuttal testimony?

10          A    There are two more schedules that need to  
11   be addressed.

12          Q    How about in your narrative testimony?

13          A    Not in my narrative testimony.

14          Q    Is everything else in your rebuttal and  
15   your direct testimony accurate and true to the best  
16   of your knowledge and belief?

17          A    Yes.

18          MS. LIN:   At this point, again subject to those  
19   changes that I will talk about later in the record, I  
20   will move for the admission of ICC Staff Exhibits 1.0  
21   and 16.0 and the attached schedules and attachments  
22   thereto and tender Miss Ebrey for cross-examination.

1           MR. BERNET: Well, can you tell us what the  
2 other changes are? I mean, just tell us. You don't  
3 have to go line by line, but are they typos?

4           THE WITNESS: Exhibit 16.13 reflects an  
5 adjustment to that Staff Witness Harden proposed and  
6 she filed a revision, I believe, to that -- to her  
7 testimony late last week or early this week, so the  
8 adjustment on 16.13 needs to be changed to reflect  
9 her revision.

10          MR. BERNET: Okay.

11          THE WITNESS: And on Schedule 16.14, a  
12 correction was noted and appeared on ComEd Exhibit  
13 56.5 and I do agree with that change, so that -- I  
14 need to change my schedule to reflect the corrected  
15 amounts.

16          MR. BERNET: Okay. Thank you. No objection.

17          MS. DALE: No objection.

18          JUDGE SAINSOT: All right. Hearing no  
19 objection, your motion is granted, Counsel, and Staff  
20 Exhibit 1.0 and attachments and 16.0 -- 1. -- the  
21 attachments are 1.01 through 1.11 and then we have  
22 16.0 and 16.01 through 16.15 and Attachments A

1 through C.

2 THE WITNESS: I think you might have left off  
3 Schedule 1.12.

4 JUDGE SAINSOT: Okay. I think I did.

5 And Schedule 1.12, those are admitted  
6 into evidence.

7 (Whereupon, 1.0 and Attachments 1.01  
8 through 1.11, Schedule 1.12, 16.0 and  
9 16.01 through 16.15 and Attachments A  
10 through C were admitted into evidence)

11 MS. LIN: We tender Miss Ebrey for  
12 cross-examination.

13 MR. BERNET: Thank you. As the party of the  
14 burden of proof, we prefer to go last. I think there  
15 were some other parties that have cross for  
16 Miss Ebrey.

17 JUDGE SAINSOT: Miss Lin, just for -- I'm just  
18 looking at your list of exhibits on the first page  
19 and you only go to 1.11. Is there a Schedule 1.12  
20 that is supposed to be listed there, too?

21 MS. LIN: There is a Schedule 1.12. If it's  
22 not on there, it's a typo on the exhibit list. We'll



1       update that.

2               JUDGE DOLAN:   Okay.   Thank you.

3                       CROSS-EXAMINATION

4                       BY

5                       MS. DALE:

6               Q       Good morning, Miss Ebrey.   My name is  
7       Janice Dale.   I'm with the Attorney General's Office.  
8       I have just a few questions for you today.

9                       Could you refer to Page 5 of your  
10      rebuttal testimony.

11              JUDGE SAINSOT:   And that, for the record, is  
12      16.0?

13              MS. DALE:   16.0, that's correct.

14      BY MS. DALE:

15              Q       And on that page, on Lines 83 to 84 you  
16      state that you are proposing to restate the net  
17      utility plant-in-service balance to December 31st  
18      with pro forma adjustments to allow certain known and  
19      measurable projects that will be placed in service  
20      before June 30th, 2011; is that correct?

21              A       That's correct.

22              Q       And as it stands now in your rebuttal

1 testimony, the net utility plant-in-service balance  
2 as of December 31st, 2010, is based on certain actual  
3 figures from the Company up until December 1st and  
4 then forecasts for the month of December 2010; is  
5 that correct?

6 A That's correct.

7 Q Is it your recommendation that the  
8 Company's forecast be adjusted to reflect actual net  
9 utility plant in service as of December 31st, 2010?

10 A I don't believe that's my recommendation  
11 because I don't believe that that information has  
12 been provided for the record.

13 MS. DALE: I believe that Mr. Donnelly did  
14 testify to -- his testimony contains information  
15 stating that the Company has actual figures for plant  
16 in service as of November 30th, 2010, and a forecast  
17 for December of 2010; is that correct, Counsel?

18 MR. BERNET: I think that's in Mr. Donnelly's  
19 testimony. I think that's accurate.

20 BY MS. DALE:

21 Q So you aren't proposing to -- that the  
22 Commission should look at actual net utility plant in

1 service as of December 31st?

2 A I'm not making that recommendation. That  
3 information came in Mr. Donnelly's surrebuttal  
4 testimony.

5 Q Mm-hmm.

6 A The work papers for that actual through  
7 December 31st I believe were received by Staff  
8 Wednesday last week and I have not had an opportunity  
9 to review that information.

10 I believe my rebuttal position  
11 reflected the actual numbers through October with  
12 forecasts for November and December. If I've stated  
13 that otherwise, I need to stand corrected.

14 Q So as it stands now, the net utility plant  
15 in service balance that you're recommending is based  
16 in part on the Company's budget because it's based on  
17 budgeted amounts for December; is that correct?

18 A That would be correct.

19 Q Okay. And do you believe that using --  
20 calculating rates based on net utility plant in  
21 service that include budget projections such as  
22 those, do you believe that satisfies the known and

1 measurable standard that you discuss in your  
2 testimony?

3 A I believe that since the Company appears to  
4 continually update their budgeted numbers and the  
5 numbers that I based my recommendation on were  
6 current as of the end of November, I think my -- my  
7 recommendation does meet the known and measurable  
8 standard.

9 Q Now, are you aware through November 2010  
10 actual plant additions as testified to by  
11 Mr. Donnelly for the Company in his surrebuttal came  
12 to \$555.8 million?

13 A I believe that number is correct.

14 Q And that the Company is forecasting  
15 additions of 100.8 million for December 2010?

16 A I believe that's also correct.

17 Q And do you accept that forecast?

18 A Once again, I recognize that that -- the  
19 updated numbers in surrebuttal do reflect something  
20 over \$9 million reduction from the forecast that was  
21 provided for rebuttal testimony. This is a problem  
22 that I have with the Company's testimony with what

1     they've provided. The information keeps changing and  
2     it comes in at a point that I have not had an  
3     opportunity to do what I feel like is a review that I  
4     need to do with that information.

5                     It is also a decrease from what they  
6     have previously proposed. I don't know how to deal  
7     with that based on the restraints that we have in the  
8     case.

9             Q     Well, would you admit, subject to check,  
10    that, in fact, that forecast of \$100.8 million for  
11    plant additions for December 2010 is approximately  
12    twice the monthly average of the Company's plant  
13    additions for 2010?

14            A     I could accept that, subject to check.

15            Q     And do you think that that forecast is  
16    reasonable given the concerns that you expressed in  
17    your rebuttal testimony about calculating rates based  
18    on forecasts as opposed to actual numbers?

19            A     Subject to my review of the -- this  
20    statement that the budget is twice -- the December  
21    budget is twice the monthly budget for the rest of  
22    2010, it probably is not reasonable; but like I've

1     said, I have not had the time to get into the details  
2     of those updated numbers.

3           Q     Okay. Could you turn to Page 20 of your  
4     rebuttal testimony and beginning on Line 400, you  
5     respond to testimony from AG CUB Witness Effron that  
6     in the Company's last case, the Company's forecast of  
7     plant as of June 30th, 2008, was trued-up to the  
8     actual balance; is that correct?

9           A     I see that in my testimony.

10          Q     And you further stated that what Mr. Effron  
11     characterized as a true-up in that case was nothing  
12     more than an update by the Company of its pro forma  
13     plant projection?

14          A     I see that in my testimony.

15          Q     And what exactly -- could you just describe  
16     what was being updated?

17          A     I was not a witness in that case, but -- so  
18     this is based on my review of the order and I can't  
19     remember now everything that I did look at. I  
20     believe the Company had proposed, initially, a date  
21     for pro forma additions through September. Staff had  
22     originally -- or at some point proposed through

1 February or March, I believe, and I think there was a  
2 meeting in between through June and I believe the  
3 June amount changed through the course of the case.

4 Q But you're generally familiar with that  
5 order -- I'm sorry.

6 A The update was to update the numbers  
7 through June.

8 Q Okay.

9 MS. DALE: Your Honors, I have an excerpt from  
10 that order that I would like to question Miss Ebrey  
11 on. I don't know how you want me to handle this. I  
12 don't want to clutter up the record from something  
13 from a previous Commission order. If you want me to  
14 do so, I will mark it as AG Cross Exhibit No. 6.

15 JUDGE SAINSOT: So you're saying you don't want  
16 to have it admitted into evidence?

17 MS. DALE: Well, I would ask that  
18 administrative notice be taken if that would be  
19 easier, otherwise I will mark it as an exhibit,  
20 that's fine.

21 JUDGE SAINSOT: I think it's best to have it  
22 marked for the record.

1 MS. DALE: Okay.

2 JUDGE SAINSOT: I don't -- apart from that,  
3 that's up to you.

4 MS. DALE: I can mark it. AG Cross Exhibit  
5 No.- -- I think it's 6.

6 JUDGE SAINSOT: Hold on. I haven't kept track  
7 of the AG Cross exhibits.

8 MS. McNEILL: It's 7.

9 JUDGE SAINSOT: Okay. So this is 7.

10 MS. DALE: Now I'm missing one.

11 MS. LIN: I'm missing one, too.

12 JUDGE SAINSOT: Well, not according to our --  
13 what we keep track of, there is no 6.

14 MS. DALE: There is no 6?

15 JUDGE SAINSOT: Well, there is no 6 that was  
16 admitted, so we're good.

17 (Whereupon, AG Cross  
18 Exhibit No. 6 was  
19 marked for identification)

20 BY MS. DALE:

21 Q Okay. Miss Ebrey, could you -- this is --  
22 just for the record, this is an appendix from the



1 Commission's order in Docket No. 07-0566, Page 6 of  
2 the appendix and could you look at the third column  
3 there entitled Effective Actual Versus Planned  
4 Additions Q1 and Q2, 2008.

5 A I see that.

6 Q Do you see that?

7 Now, you state in your testimony that  
8 the order did not -- the order in this case did not  
9 adopt any true-up methodology with respect to plant  
10 additions.

11 What do you believe the title to  
12 Column L represents in this schedule?

13 A From the title, it appears there was a  
14 true-up. My position was based on the fact that the  
15 hearing, I believe, was -- the case was marked heard  
16 and taken, I believe, prior to the end of June and so  
17 there couldn't have been a true-up of information  
18 through the end of June in the order and the timing  
19 of the event in the case was the basis for my  
20 statement.

21 Q Now, you are aware, are you not, that  
22 Commonwealth Edison and the Commission Staff entered

1     into a stipulation with respect to certain audit  
2     findings, certain revenue requirement issues in that  
3     proceeding?

4             A     I'm aware that there was a stipulation.  I  
5     don't know all the details involved.

6             Q     And you're aware that, in fact, the  
7     Commission adopted that stipulation, are you not?

8             A     I believe that's correct.

9             MS. DALE:  All right.  Now I'm on AG Cross  
10    Exhibit No. 7.  What I'm presenting here for the  
11    record is a copy of the stipulation in Docket  
12    No. 07-0566.

13            JUDGE SAINSOT:  We're calling this AG Cross  
14    Exhibit 7?

15            MS. DALE:  7.

16                           (Whereupon, AG Cross  
17                           Exhibit No. 7 was  
18                           marked for identification)

19    BY MS. DALE:

20            Q     And, Miss Ebrey, you recognize this as the  
21    stipulation that I described earlier, that the  
22    Commission adopted in 07-0566?

1           A     That's what it appears to be, yes.

2           Q     Now, could you turn to Page 3 of that  
3 document.

4                     Item No. 5 states, Certain terms that  
5 Commonwealth Edison and Staff hereby agree to. Could  
6 you read from the second sentence -- second full  
7 sentence that starts, To the extent? Could you read  
8 that into the record, please?

9           A     To the extent that actual pro forma capital  
10 additions actually placed in service during the first  
11 two quarters of 2008 on a combined basis are less  
12 than projected pro formas capital additions for the  
13 first two quarters of 2008 of 540.40 million on a  
14 combined basis, then plant in service shall be  
15 reduced by an additional amount equal to the  
16 difference between those figures.

17                     Do you want me to read the next --

18          Q     Yes.

19          A     ComEd shall provide the amount of plant  
20 actually placed in service for the first two quarters  
21 of 2008 as soon as possible in a late-filed exhibit  
22 in July of 2008 for the compliance filing and shall

1 calculate any additional reduction to rate base due  
2 to plant actually placed in service being less than  
3 the projected pro forma capital additions for the  
4 first two quarters of 2008.

5 Q Okay. Thank you.

6 Now, would you agree that that  
7 description, in fact, describes a true-up?

8 A Yes, it does.

9 MS. DALE: All right. That's all the questions  
10 I have.

11 Thank you very much.

12 JUDGE DOLAN: Thank you.

13 MS. DALE: And I move for the acceptance into  
14 the record of AG Cross Exhibits 6 and 7.

15 MR. RIPPPIE: I mean, we don't really have any  
16 objection, but the practice so far has been although  
17 they've marked things from Commission's orders, we  
18 don't really need to admit them because they're  
19 Commission orders; but, you know --

20 MS. DALE: That's fine.

21 MR. RIPPPIE: -- it's not a -- it's a matter  
22 of -- it's not an objection.

1 JUDGE SAINSOT: Is this even in the record in  
2 that case?

3 MS. DALE: Well, this is --

4 MR. RIPPIE: It was.

5 MS. DALE: It's part of the record, yes.

6 MS. LIN: Both of those exhibits are already in  
7 the record in that docket.

8 JUDGE DOLAN: All right. I don't think that  
9 would be necessary to admit --

10 MS. DALE: Right. Yeah, that was my earlier  
11 concern. I didn't want to clutter it up, but I did  
12 mark them and maybe we should just leave it as it is.

13 JUDGE DOLAN: That's fine. And then that way,  
14 if someone wants to refer to them, at least they have  
15 a point of reference.

16 MS. DALE: Something to follow.

17 JUDGE DOLAN: Exactly.

18 MS. DALE: Thank you.

19 JUDGE SAINSOT: Mr. Moore, are you ready?

20 MR. MOORE: Yes.

21 MR. ROBERTSON: Your Honor, before Mr. Moore  
22 gets started, did you admit those exhibits or decide

1 not to? Are they withdrawn or --

2 JUDGE DOLAN: We're not admitting those into  
3 the record.

4 MR. ROBERTSON: Okay. Thank you.

5 CROSS-EXAMINATION

6 BY

7 MR. MOORE:

8 Q Good morning, Miss Ebrey. I'm Steve Moore.  
9 I represent Dominion Retail, Inc.

10 A Good morning.

11 Q My questions will be referring to your  
12 rebuttal exhibit, 16, and begin on Page 27 of that  
13 testimony.

14 Now, first of all, just a little bit  
15 of a background. The title of that section is PORCB  
16 projection costs; right -- or project costs?

17 A That's correct.

18 Q And what does that acronym stand for?

19 A Purchase of receivables consolidated  
20 billing.

21 Q Now, those are two separate functions; is  
22 that correct?

1           A     Yes.

2           Q     And now is it your understanding that both  
3 of these were required by the Public Act?

4           A     Yes.

5           Q     And the Public Act did differentiate each  
6 of those functions and separate provisions?

7           A     Yes, it did.

8           Q     And it's your understanding that the  
9 purchase of receivables requirement applies to  
10 nonresidential customers with -- residential  
11 customers, plus nonresidential customers with demand  
12 less than 400 kilowatts; is that correct?

13          A     I believe that's correct.

14          Q     Now, is there any kilowatt restriction on  
15 the UCB requirement?

16          A     I don't know.

17          Q     And is it your understanding that an  
18 alternative retail electric supplier could choose to  
19 provide one but not the other?

20          A     I believe that is probably what's provided  
21 for in the Act. I don't know -- I don't believe that  
22 is what is contemplated in the Rider PORCB in that

1 proceeding with Commonwealth Edison, the  
2 Docket 10-0138.

3 Q Are you saying that you believe that that  
4 docket and order required retail electric suppliers  
5 to offer both?

6 A I think that that proceeding assumed that  
7 both occurred together. I don't know that they were  
8 separable under that case.

9 Q But under -- do you know if a retail  
10 electric supplier could offer, for example,  
11 consolidated billing but not POR?

12 A I believe the Act allows for that.

13 Q Okay. Do you know in this state currently  
14 if there are electric utility -- retail electric  
15 suppliers offering one but not the other?

16 A I don't know that.

17 Q And do you know anything in the gas  
18 industry if there's such a thing as consolidated  
19 billing or purchase of receivables?

20 A As I sit here today, I can't say, no.

21 Q Now, you understand that in the Act that  
22 created the PORUCB obligation, there was a



1 distinction between start-up costs and administrative  
2 costs, recovery?

3 A Yes.

4 Q And it's your understanding that for POR, I  
5 believe the statute specifically states that start-up  
6 and administrative costs could be put into the  
7 discount rate for purchase of receivables?

8 A I don't have the Act in front of me. I can  
9 take that, subject to check.

10 Q Okay. And do you know if the consolidated  
11 billing section of the Act has similar language?

12 A Once again, not without seeing it.

13 Q If I could turn your attention to Line 620  
14 of your testimony.

15 JUDGE SAINSOT: Is this the rebuttal testimony?

16 MR. MOORE: Yes, we're still on Exhibit 16,  
17 rebuttal testimony.

18

19 BY MR. MOORE:

20 Q Actually, just above that, beginning with  
21 Line 613, you cited a provision from the Commission's  
22 order in Docket 10-0138 and then on 620 you said,

1 Since the Company characterizes the cost as PORCB,  
2 there would be no reason to consider them for  
3 inclusion in base rates according to this  
4 Commission's conclusion.

5 Now, does this mean that you are  
6 accepting without checking the Company's  
7 characterization of those costs as PORCB?

8 MS. LIN: I'm going to object at this point. I  
9 think Mr. Moore is asking Miss Ebrey to speculate on  
10 what the Company characterizes something as and I  
11 don't believe that that's something that she is  
12 qualified to do.

13 MR. MOORE: I'm reading straight from her  
14 testimony where she says since they characterized it  
15 as these costs, there's no reason to consider it.

16 I'd like to find out why she is  
17 accepting that characterization.

18 JUDGE SAINSOT: I think that's Miss Lin's  
19 point, though, that she's not necessarily accepting  
20 the characterization.

21 MR. MOORE: Then I can ask that question.

22 JUDGE SAINSOT: Okay.

1 BY MR. MOORE:

2 Q Are you accepting the characterization of  
3 these costs as PORCB?

4 A Yes, I am. And to me, it's no different  
5 than the Company saying certain costs are  
6 transmission costs or certain costs would be  
7 generation costs. I don't review the sum total of  
8 the Company's cost. I take certain things at their  
9 word. If they say something is transmission, I'm not  
10 going to dig through those costs to see if they  
11 should be delivery -- be included in the delivery  
12 case and when they say PORCB costs, I'm -- I'm  
13 saying, okay, those are PORCB.

14 Q So you are not making an independent  
15 evaluation of whether the Company's characterization  
16 is correct or incorrect?

17 A No, but I don't do that with any other  
18 costs that they -- that they characterize as  
19 nondelivery.

20 Q Were you observing the -- my  
21 cross-examination that I conducted yesterday of ComEd  
22 witness Mr. Marquez -- or was that the day before?

1       That was Monday.

2               A       I may have listened. I don't recall for  
3       sure.

4               Q       Well, in your examination of the -- these  
5       costs, did you review the Work Paper 61.0, a work  
6       paper for Mr. Marquez?

7               A       No.

8               MR. MOORE: May I approach the witness?

9               JUDGE DOLAN: Yes.

10       BY MR. MOORE:

11              Q       I'm showing you what has been marked --  
12       actually, it was entered as an exhibit -- as Dominion  
13       Cross Exhibit 1 which is Work Paper 4 of Exhibit  
14       61.0.

15                               Have you reviewed that document?

16              A       I don't believe so, no.

17              Q       I call your attention to Line 640 of your  
18       Exhibit 16.0. You state, However as stated above,  
19       Staff has not had the opportunity to verify that  
20       every single dollar of ComEd's PORCB cost is indeed  
21       incremental through requirement to provide PORCB.

22                               Now, by that statement, does that mean

1     that at some time you would conduct that  
2     investigation?

3           A     If the time would allow in this case; but,  
4     again, I don't know that I've had -- the time  
5     restraints have allowed for that. I believe those  
6     costs would be reviewed in the PORCB reconciliation  
7     under Rider PORCB, but --

8           Q     Would you make the -- such a determination  
9     in that proceeding then? Would you see that as one  
10    of the functions of Staff?

11          A     I believe that is provided for in that  
12    rider.

13          Q     And do you know what sort of a standard you  
14    would use to determine whether these costs are  
15    incremental or not?

16          A     Not as I sit here today.

17               MR. MOORE: I have no other questions.

18               JUDGE SAINSOT: Thank you.

19               JUDGE DOLAN: Thank you.

20                         Mr. Barnet, I believe there's no  
21    other.

22               JUDGE SAINSOT: I think that's it. If we're

1       wrong, let us know.

2               MR. BERNET:   Thank you.

3                       CROSS-EXAMINATION

4                       BY

5               MR. BERNET:

6               Q     Good morning, Miss Ebrey.  My name is

7     Richard Bernet.  I represent Commonwealth Edison

8     Company.

9                       We met yesterday?

10              A     Yes.

11              Q     Now, just in terms of context, I want to

12     talk to you about pro forma plant additions and so

13     ComEd filed this case in June of 2010; right?

14              A     Right.

15              Q     And the pro forma -- when we say "pro

16     forma," what we're talking about are plant

17     investments that occur after the test year; right?

18              A     Right.

19              Q     And the test year was 2009?

20              A     Correct.

21              Q     And so what we are seeking in this case is

22     pro forma plant additions from January 1st, 2010,

1 through June 30th, 2011; right?

2 A Right.

3 Q So that's an 18-month period; right?

4 A Right.

5 Q And when we filed the case, that entire

6 pro forma plant addition information was all based on

7 a forecast; isn't that right?

8 A I'll take your word for that. I would

9 assume that there would be some actual information

10 from January through June, possibly, but I'll take

11 your word that it was all projected.

12 Q You're just not sure?

13 A I don't have any reason to believe

14 otherwise.

15 Q Okay. And you filed direct testimony on

16 October 26?

17 A That sounds right.

18 Q And when you filed your direct testimony,

19 at that point in time ComEd had provided actual plant

20 additions through September and then October through

21 June of 2011 was a plan or a forecast; is that right?

22 A I believe that's correct.

1           Q     And when you filed your rebuttal testimony  
2     on December 23rd, the actual data was through  
3     October; right?

4           A     That's correct.

5           Q     And the rest of it was forecast?

6           A     Correct.

7           Q     And when ComEd filed its original  
8     pro forma -- the dollar value, the total dollar value  
9     of the pro forma was a billion, 38 million dollars,  
10    roughly; right?

11          A     Right. I believe then there it was a DR  
12    response that came in, a corrected response to my DR  
13    TEE 3.05 that indicated the amount, there were some  
14    formula errors in the spreadsheet and the amount was  
15    a billion, 24 million.

16          Q     Right. I'm not asking you about that,  
17    though. What I'm asking you is when we filed, it was  
18    a billion, 38 million and when you submitted your  
19    testimony in December, the pro forma -- the total  
20    pro forma amount was a billion, 30 million.

21          A     Those were the Company's pro forma numbers.

22          Q     So there was an \$8 million difference?



1           A     Correct.

2           Q     Less than 1 percent?

3           A     Correct.

4           Q     And in your -- in your rebuttal testimony,  
5     you're approving more pro forma plant additions than  
6     what you approved when you filed your direct  
7     testimony; right?

8           A     I'm recommending more.

9           Q     Well, you approved it?  Never mind.

10          A     I make recommendations.  I don't make  
11     approvals.

12          Q     I understand.  I understand.

13                     And I'm going to show you some  
14     documents in a second; but just generally speaking,  
15     when you approved those -- when you made your  
16     recommendation, you're recommending now to the  
17     Commission that the Commission accept all of ComEd's  
18     plant additions through December 2010; correct?

19          A     Based on the information I had at rebuttal.

20          Q     Right.  And then some additional pro forma  
21     plant additions that are going to occur between  
22     January 1st and June 30th, 2011; right?

1           A     That's correct.

2           Q     And I think I heard you say in response to  
3     a question posed by Miss Dale, that you did not think  
4     the December 30th -- 31st data was reasonable?

5           A     Based on a question that she had to me  
6     where she indicated that the budget for December was  
7     two times the monthly budget for the rest of 2010. I  
8     would -- I would question whether or not it was  
9     reasonable. I, once again, haven't gotten into that  
10    review.

11          Q     Well, you agree with me, don't you, that  
12    the total value of what now you are recommending to  
13    the Commission in terms of pro forma plant additions  
14    is 713,000,053, roughly?

15          A     That's correct.

16          Q     And so the amount that remains in dispute  
17    between ComEd and Staff is roughly \$317 million?

18          A     That was the amount in dispute when I filed  
19    my rebuttal testimony.

20          Q     And that's all I'm talking about.

21          A     Okay. The Company has since updated their  
22    pro forma, so the amount in dispute now is different.

1           Q     Right.  And that's the amount that's set  
2     forth in Mr. Donnelly's surrebuttal testimony;  
3     correct?

4           A     I believe so.

5           Q     But at the time that you've made your  
6     recommendation to the Commission, the amount in  
7     dispute is roughly 317 million?

8           A     That's correct.

9           Q     Okay.  And the ComEd witnesses that are --  
10    the principal witnesses testifying with respect to  
11    the pro forma plant additions are Mr. Donnelly, who  
12    was here yesterday; right?

13          A     Right.

14          Q     And an outside expert, Mr. Donohue, who --  
15    you've read his testimony, too; is that correct?

16          A     That's correct.

17          Q     And that testimony is ComEd Exhibit -- his  
18    direct testimony is ComEd Exhibit 35 and his -- his  
19    rebuttal testimony is ComEd Exhibit 35 and his  
20    surrebuttal is ComEd Exhibit 59.

21                     You read those?

22          A     I did.

1           Q     And you understand Mr. Donohue to be a  
2     former utility executive with 45 years of utility  
3     experience, roughly?

4           A     Yes.

5           Q     And he used to run the distribution system  
6     for ComEd in New York?

7           A     I believe that was stated in his testimony.

8           MR. BERNET:   May I approach?

9           JUDGE DOLAN:   Yes.

10          JUDGE SAINSOT:   Yes, you may.

11     BY MR. BERNET:

12          Q     I hate to do this, but it's spreadsheet  
13     time.  I'm going to hand you what I -- I haven't  
14     marked these, these are -- I'll represent to you  
15     these are work papers from your -- from your rebuttal  
16     testimony and I think they came from originally ComEd  
17     work papers, but we'll cover that.  I just want you  
18     to have it in front of you.

19          MR. BERNET:   I guess I can mark these for  
20     identification.  I'm not going to ask that they be  
21     admitted.

22          JUDGE SAINSOT:   Okay.  It's kind of important,

1       though, to keep track of them, so if you mark them --

2               MR. BERNET:   We'll mark it as ComEd Cross  
3       Exhibit No. 1.

4                               (Whereupon, ComEd Cross  
5                               Exhibit No. 1 was  
6                               marked for identification)

7       BY MR. BERNET:

8               Q       And that document is -- is at the top right  
9       corner it says, Work Paper, and it's marked ComEd  
10       Exhibit 29.2 corrected Work Paper WPD-2.1A, Page 1 of  
11       1, November 22 revised.   And then I'm going to hand  
12       you what I guess we'll mark as ComEd Cross Exhibit 2  
13       and this is also a work paper.

14                              (Whereupon, ComEd Cross  
15                              Exhibit No. 2 was  
16                              marked for identification)

17               JUDGE SAINSOT:   So is this all -- no, I see.  
18       Never mind.

19       BY MR. BERNET:

20               Q       The last thing I will hand you, which we'll  
21       mark as ComEd Cross Exhibit 3, is also a work paper.  
22       I just want to point you to some figures.

1           MR. BERNET: I'm going to mark this as ComEd  
2 Cross Exhibit 4. This is a -- it's a summary of the  
3 information that I just gave you and I'll walk you  
4 through it.

5           JUDGE SAINSOT: Where is 3?

6           MR. BERNET: No, I didn't have an extra copy of  
7 3. I thought I had multiple copies, but I'm not  
8 going to spend a lot of time on that.

9           MS. DALE: Excuse me. Does Counsel have any  
10 extra copies?

11          MR. BERNET: Yeah.

12                       (Whereupon, ComEd Cross  
13 Exhibit Nos. 3 and 4 were  
14 marked for identification)

15 BY MR. BERNET:

16          Q     Okay. So, Miss Ebrey, looking at the --  
17 what I've now marked as Exhibit 4, if you'd focus,  
18 please, on the far left column and that is a -- it  
19 references ComEd Exhibit 29.2, which was Katie  
20 Houtsma's rebuttal testimony, you recognize that  
21 number?

22          A     Yes, I do.

1           Q     And at the bottom, you see that the overall  
2     total is a billion, 30 million dollars.

3                     Do you see that?

4           A     Yes.

5           Q     So that's where that number came from,  
6     that's a derivation from Katie Houtsma's work paper,  
7     but then I think you used when you did your  
8     calculations.

9                     Number -- the second column is on what  
10    I've marked as ComEd Cross Exhibit 2 on the front  
11    page and if you look at the total value at the bottom  
12    of ComEd Exhibit 2 on the far left column, Column B,  
13    you see 666 million?

14          A     Yes.

15          Q     So is that your understanding of what --  
16    the dollar amount that you're recommending to the  
17    Commission in terms of ComEd's pro forma through  
18    December 2010?

19          A     Yes.

20          Q     And so the numbers that are then -- and  
21    I'll represent to you that the numbers that are in  
22    the second column on ComEd Exhibit 4 are from this

1 work -- are from this work paper.

2 Then Column C -- I mean -- yeah,  
3 Column C is from ComEd Exhibit 3. If you look at the  
4 last page of what I had previously marked as ComEd  
5 Exhibit 3, you'll see that there is total -- there's  
6 a column that says Q1 2011 in-service, Q1 2011  
7 in-service and then it's got total in-service and at  
8 the bottom is the number 46,994.

9 Do you see that?

10 A Yes.

11 Q And that corresponds with Column C on ComEd  
12 Exhibit 4; right?

13 A Yes.

14 Q And so that represents your -- the plant  
15 additions that you're recommending ComEd get in 2011.

16 Is that your understanding?

17 A Yes.

18 Q And then Column D there is just the  
19 addition of what your -- of those two other columns,  
20 666 and 46,994, 713.

21 Do you see that?

22 A Yes.



1           Q     And so you recall we talked earlier about  
2     how much pro forma plant additions you're  
3     recommending that the Commission accept and that's  
4     that number; right?

5           A     Right.

6           Q     Okay. And then the rest of this exhibit is  
7     just mathematical, so I'm pointing now to Column E,  
8     which is -- no, forget that. This is ComEd's planned  
9     plant additions. I'm referring to Column G now --  
10    ComEd's planned plant additions between January 1st  
11    and June 30th, 2011.

12                     Do you recognize that?

13          A     I see that's what it's labeled. I don't --  
14    I don't have anything to verify that that's the  
15    number that was included on the exhibit that's  
16    referenced.

17          Q     Well, if you subtract that number -- you  
18    told us earlier that 317 million is roughly the  
19    amount in dispute, which is in Column H, that's your  
20    recollection?

21          A     Yes, that -- I can see that on my Schedule  
22    16.08.

1           Q     Okay.  And so if you take 317 million and  
2     you add back in the 47 million that you allow for  
3     2011, that's where this number comes from?

4                     Do you accept that, subject to check?

5           A     Subject to check, I would accept that.

6           Q     So, would it be fair to say that ComEd  
7     Exhibit 4 depicts, essentially, the categories of  
8     ComEd's pro forma plant additions that are in dispute  
9     between ComEd and Staff?

10          A     Can I ask you about these cross exhibits  
11     and can you explain what they are because I don't  
12     recognize them.  I don't recognize Cross Exhibit 1 as  
13     a work paper and it appears that 2 and 3 are the  
14     same.  I don't -- I'm not seeing a difference between  
15     Exhibit -- Cross Exhibit 2 and Cross Exhibit 3 except  
16     that Cross Exhibit 2 has more columns on it.

17          Q     Yeah, 3 was blown up to make it easier to  
18     read on a line-by-line basis.  So 3 and 2 are the  
19     same, I'm sorry.

20          A     Okay.  I just didn't understand where they  
21     were different.

22          Q     And I apologize for the confusion, but you

1 did have significant work papers in connection with  
2 the -- with the calculations you performed, so you  
3 would accept that what we talked about in ComEd  
4 Exhibit 4 is a fair representation of the dollars  
5 that are in dispute by category?

6 A I would have to say subject to check on the  
7 "by category." I know that the totals are what they  
8 are, but I'm not sure of the splint among the  
9 categories. I haven't done that evaluation.

10 Q Okay. And when we say "categories," we're  
11 talking about back office, capacity expansion,  
12 corrective maintenance, facility relocation, new  
13 business, system performance, capitalized overhead  
14 and customers, non ops?

15 A That's correct.

16 Q And then there's general plant and a few  
17 categories of that intangible plant.

18 A Right.

19 Q I'd like to direct your attention to your  
20 rebuttal testimony at Page 15, please. Now, I'd like  
21 you to take a look at Line 287 through 289. Can you  
22 read those two sentences, please.

1           A     I recommend including in rate base only one  
2     of the new business projects, ITN 22872.  The  
3     Company's testimony confirms that it is likely that  
4     some projects will be pushed out into the third  
5     quarter or later or in some cases, canceled.

6           Q     And your -- you -- at the end of that, you  
7     have a footnote; right?

8           A     Yes.

9           Q     And that footnote refers to Mr. Donnelly's  
10    testimony; isn't that right?

11          A     Right.

12          Q     And that's Mr. Donnelly's rebuttal  
13    testimony at Page 49.  Do you have a copy of  
14    Mr. Donnelly's testimony?

15          A     I don't.

16          Q     And so is it your -- it's your  
17    recommendation that aside from ITN 22872 -- and by  
18    "ITN" we mean investment tracking number; right?

19          A     Right.

20          Q     You understand that?

21          A     Yes.

22          Q     And so -- we're going to use that term

1 quite a bit today and you understand that those are  
2 subcategories under each of the categories of  
3 investment that we've talked about, the general  
4 categories?

5 A Right.

6 Q And so -- in ComEd's -- in ComEd's  
7 WPD-2.1A, there are a number of ITNs that then add up  
8 to each of the categories, such as corrective  
9 maintenance -- they add up to those totals that are  
10 on ComEd Exhibit 4; right?

11 A Right.

12 Q So Glenn is handing you a copy of  
13 Mr. Donnelly's rebuttal testimony. And -- so you're  
14 referring to Page 49, Lines 1016 to 1019, of  
15 Mr. Donnelly's testimony; right?

16 A Right.

17 Q And so the Lines 819 to 8- -- I'm sorry --  
18 Lines 1016 to 1019 and you're relying on  
19 Mr. Donnelly's answer that says, Based upon our  
20 experience, it's likely that some projects will be  
21 pushed out into the third quarter or later and in  
22 some -- or in some cases canceled; right?

1           A     Right.

2           Q     The next -- can you read the next sentence,  
3     please.

4           A     However, our experience also suggests that  
5     as projects fall out of a particular quarter, others  
6     emerge.

7           Q     Okay.  So Mr. Donnelly wasn't saying all  
8     projects except for the one that you accept were  
9     going to go beyond the third quarter in new business;  
10    right?

11          A     Right.

12          Q     He said some; right?

13          A     Right.

14          Q     And, in fact, at Lines 1003 to 1015 -- I'm  
15    sorry -- 1003 to 1013 in Mr. Donnelly's rebuttal  
16    testimony, he talks about 97 other projects that are  
17    going to go into service between January and June  
18    2011; right?

19          A     I'm sorry, can you repeat that?

20          Q     Sure.

21                     You have his testimony there; right?

22          A     I have it here, yes.

1           Q     Take a look at Lines 10- -- 1003 through  
2     1015.

3           A     Okay.

4           Q     And so -- he says that there are 97 unique  
5     projects that are going to go into service between  
6     January and June 2011; right?

7           A     He says by the end of the second quarter  
8     2011. He doesn't indicate what the start date of  
9     that time period is.

10          Q     Yeah, I'm not asking you about the start  
11     date. He identifies 97 other projects; right?

12          A     He identifies 97 other projects.

13          Q     And so is it your position that all of  
14     those projects are going to go beyond June 30th,  
15     2011?

16          A     No. My position is that the Company didn't  
17     provide the evidence to show that all the projects  
18     were known and measurable. By the statement that  
19     some projects are likely to be pushed out, there's no  
20     indication which projects those are. There's nothing  
21     to differentiate this group may be pushed out, these  
22     definitely will not be pushed out. The one I

1     allowed, I was -- I was convinced that that one will  
2     not be pushed out, but there was nothing to indicate  
3     which of the other 96 would be pushed out, which  
4     would not be pushed out.

5                     I understand that there may be other  
6     projects that will emerge during the period if some  
7     get pushed out, but those are not identified.  If  
8     they're not identified, they're not known and  
9     measurable.

10            Q     Did you do an independent analysis of those  
11     97 projects to determine whether or not they're going  
12     to extend beyond June 30th, 2011?

13            A     No.  I depended upon the information the  
14     Company provided me about individual projects.

15            Q     So that was a "no"?

16            A     Right.

17            Q     Now, let's take a look at your attachments  
18     to your testimony -- your rebuttal, I'm sorry.  And,  
19     in particular, let's look at 16.08, Page 3 of 4.

20                     Do you see that?

21            A     It's Schedule 16.08?

22            Q     It is.  Page 3 of 4.



1                   And that page identifies the 2011  
2   plant additions that you're accepting and  
3   recommending to the -- that the Commission accept; is  
4   that right?

5           A     That's correct.

6           Q     Okay. And those are listed by category;  
7   right?

8                   There's some capacity expansion  
9   projects, there's one new business project, some  
10   facility relocation and some system performance;  
11   right?

12          A     Right.

13          Q     And -- so out of all the new business, this  
14   is -- out of all the new business ITNs or projects,  
15   this one, 22782, is the one you're referring to in  
16   your testimony; is that correct?

17          A     That's correct.

18          Q     And so the total dollar value of what  
19   you're recommending that the Commission accept is a  
20   million, 34,542?

21          A     For the new business that is projected to  
22   go into service between January and June of 2011.

1           Q     And so on ComEd Cross Exhibit 4, new  
2     business is -- you understand ComEd is seeking -- or  
3     ComEd has put testimony into effect that it's going  
4     to place into service \$64,514,000 between January 1st  
5     and June 30th, 2011; right?

6           A     That's what the Company projects, yes.

7           Q     Right. And so if you take -- so looking at  
8     the furthest right-hand column, what you're  
9     recommending is that ComEd be disallowed 98 percent  
10    of that cost; right?

11          A     Right.

12          Q     And it's your understanding that -- strike  
13    that.

14                   I'd like to refer you to the rebuttal  
15    testimony of Mr. Donnelly. And, in particular, ComEd  
16    Confidential Exhibit 32.2.

17          A     Isn't 32.2 the CD?

18          Q     Yes. I'm sorry. 32.1. Thank you.

19                   And, specifically, I'd like to refer  
20    you to -- I guess it's Page 3, new business -- the  
21    new business category.

22           JUDGE SAINSOT: You know, it appears yesterday,

1     now that we're looking at this exhibit, that you gave  
2     us the public version of 32 --

3             JUDGE DOLAN:   No, we've got that.

4             JUDGE SAINSOT:   We've got the confidential?

5     Okay.   Never mind.

6             JUDGE DOLAN:   Can you be a little more specific  
7     where you're looking at?

8             MR. BERNET:   I really apologize.   I don't know  
9     that the pages are numbered.   If you see the cover  
10    page, it's got the summary.

11            JUDGE DOLAN:   Yes.

12            MR. BERNET:   On -- it's three pages in.

13    BY MR. BERNET:

14            Q     Ms. Ebrey, are you with me?

15            A     I believe so.   The first line says, New  
16    business, and it has a dollar amount of 193 million?

17

18

19                               (Change of reporters.)

20

21

22

1 BY MR. BERNET:

2 Q Take a look at No. 5972, outside Chicago  
3 baseline, what do you understand that ITN to be?

4 A As I sit here today, I don't have the  
5 description for each ITN, so I don't know that I  
6 could adequately explain or say what that work  
7 entails.

8 Q Well, it's fair to say it's \$90 million of  
9 ComEd's pro forma, right, 90 million, 799 thousand,  
10 right?

11 A Right.

12 Q And do you have any recollection of what  
13 kind of work is done in that ITN?

14 A Not off the top of my head.

15 Q If I represented to you that that's hooking  
16 up new residential and small business services  
17 outside of the City of Chicago in a blanket, would  
18 you accept that?

19 A I could accept that.

20 Q So that's not the ITN that you're allowing;  
21 is that correct?

22 A No.

1           Q     Is it your position that ComEd will not  
2     connect any new customers between now and June  
3     outside of Chicago?

4           A     No, that's not my position.

5           Q     But you're disallowing all those costs,  
6     right?

7           A     Because the Company hasn't provided the  
8     support to meet their own measurable standard, in my  
9     opinion.

10          Q     And do you have any specific recollection  
11     of what you reviewed in connection with that ITN?

12          A     No. Can I have a minute on that.

13          Q     Sure.

14          A     I might like to change the answer to that  
15     last question.

16          Q     Sure.

17          A     I recall there was a DR from the Company  
18     that was ComEd Staff 10.05, and this ITN, 5972, was  
19     one of the specific ITNs that was asked about.

20                     And in that response, I stated that as  
21     indicated on Staff Exhibit 16.0, Attachment B,  
22     Page 11, this project decreased from 120 million 187

1 thousand, 738 dollars in the original pro forma to 90  
2 million 799 thousand 808 dollars in 11/22 updated pro  
3 forma without explanation.

4 So, that is something specific that I  
5 did look at. The changes that occurred in the  
6 amounts for the individual ITNs throughout the case.

7 Q So are you disallowing that amount because  
8 it's not known or because it's not measurable or  
9 both?

10 A Probably both.

11 The fact that it changes, there's  
12 various pieces of the project that could be changing,  
13 and the information provided to Staff didn't give any  
14 indication of what changed to result in that dollar  
15 amount change, whether it was a change in estimated  
16 costs, whether it was a change in projects that were  
17 going to be completed, there was just no way to know  
18 why the amount changed.

19 Q Is it your position that a change in the  
20 dollar amount would disqualify something as  
21 measurable? Does that matter to you?

22 A It does matter in a change of this

1 magnitude. This was a 25 percent change from the  
2 original pro forma to the amount at rebuttal, so.

3 Q But it's not zero, right? It's not zero?

4 A No, it's not zero.

5 Q And that is the ITN we were talking about,  
6 5972, correct?

7 A Correct.

8 Q And is it your position that the entirety  
9 of that investment will go beyond June 2011?

10 A Can you explain what you mean by "the  
11 entirety of that investment."

12 Q Yeah, all 90 million 799 thousand?

13 A No. I believe that any amount for that ITN  
14 that is in service by December 2010, I am allowing,  
15 so that is a portion of that 90 million, I believe.

16 Q And when you filed the rebuttal testimony,  
17 you had actual information through October and then  
18 just the Company's plans for November and December,  
19 right?

20 A Right.

21 Q So you accepted the Company's plans for  
22 November and December, but you're not accepting them

1 for January through June with respect to that ITN?

2 A That's correct.

3 Q I would like to refer you to Mr. Donnelly's

4 testimony on Page 32.

5 A Can I have a minute?

6 Q His direct.

7 A I don't have Mr. Donnelly's direct.

8 MR. RIPPIE: We'll get it.

9 BY MR. BERNET:

10 Q I'm sorry. It is surrebuttal testimony.

11 A I think I do have his surrebuttal.

12 Q Okay. At 32.

13 A That's Exhibit 58?

14 Q Yes.

15 Do you have his direct?

16 A I don't have his direct. I only have his

17 surrebuttal.

18 Q Okay. On Pages 32 and 33, Mr. Donnelly

19 talks about this ITN; is that right?

20 A That's correct.

21 Q And he refers back to ComEd Exhibit 32.2,

22 and you know what 32.2 is, right?



1           A     Yes.

2           Q     32.2 is the disk with roughly 50,000 pages  
3 of documents on it?

4           A     It's a lot of information.

5           Q     And you reviewed at least some portion of  
6 that, correct?

7           A     That's correct.

8           Q     And you don't dispute that that includes  
9 work packages for projects completed under this  
10 project, right?

11          A     There was information on the CD. I'm not  
12 sure exactly what you mean by "work packages."

13          Q     You don't know what that is?

14          A     (Shaking head side to side.)

15          Q     And going over Page 33, Lines 718 to 720,  
16 do you see where it says, outside Chicago ITN 5972  
17 from January through June of 2009 and 2010, there  
18 were 5,998 and 4,950 connections made?

19          A     I see that.

20          Q     And that's between January and June of 2009  
21 and January and June of 2010?

22          A     Yes.

1           Q     Do you believe that any connections will be  
2     made between January 1, 2011 and June 30, 2011?

3           A     I don't have any reason to believe there  
4     won't be any.

5           Q     But those are not known or measurable from  
6     your perspective?

7           A     Not from my perspective.

8           Q     Okay. And with respect to ITN 5968, which  
9     is also referred to at Line 720 through 722, that  
10    relates to inside-Chicago new business connections;  
11    is that right?

12          A     That's right.

13          Q     And in 2009 and 2010, there were 23,075  
14    services connected -- I'm sorry. Strike that.

15                     Yeah, from January 1, looking at Line  
16    717, from January 1, 2009 through June 30 of 2009,  
17    2,734 connections were made, right?

18          A     I see that.

19          Q     And in the same period for 2010, 2,332 were  
20    made, right?

21          A     That's also here in the testimony, yes.

22          Q     And you would have the same answer for that

1 ITN as you did for outside Chicago; is that right?

2 You don't dispute that ComEd will make connections

3 between now and June inside Chicago, right?

4 A I don't have any reason to believe they

5 won't.

6 Q And you said that one of the reasons you

7 disagreed with com -- or one of the reasons you were

8 proposing the disallowance is lack of explanation,

9 right?

10 A Right.

11 Q And on Line 720 through 722, Mr. Donnelly

12 testifies about 7,000 connections that ComEd plans to

13 make between January 1st and June 2011 in those two

14 ITNs, right?

15 A I see that, yes.

16 Q And now you referred to your data request

17 response because ComEd sent you a data request

18 response asking you specifically about these ITNs and

19 what the basis for your disallowance was, right?

20 A Right.

21 Q And that was 10.05?

22 A That's right.

1           Q     In total for that response, there were a  
2     total of -- I'm looking at the Response 10.05 B.

3                     And with respect to there is six ITNs  
4     referenced there; isn't that correct?

5           A     That's correct.

6           Q     And in each circumstance, in supporting  
7     your disallowance, you refer to Mr. Donnelly's  
8     testimony where he says some projects might be pushed  
9     out beyond June 2011.

10                    Do you see that?

11          A     Yes.

12          Q     You didn't do an independent investigation  
13     with respect to every one of these ITNs to make that  
14     determination, right?

15          A     No, I didn't.

16          Q     And you agree that ComEd has a legal  
17     obligation to serve customers that come to it and ask  
18     for new service, right?

19          A     Right.

20          Q     Directing your attention to Mr. Donnelly's  
21     rebuttal testimony. Let's back up for a second.

22                    Mr. Donnelly's rebuttal testimony at

1 Pages 33 to 37. And in those pages Mr. Donnelly  
2 discusses the corrective maintenance category, right?

3 A Right.

4 Q And referring to ComEd Exhibit 4, Line H,  
5 you're recommending 100 percent disallowance with  
6 respect to corrective maintenance for January 2011  
7 through June 30, 2011, right?

8 A That's the amount in Column I for  
9 corrective maintenance on Cross-Exhibit 4.

10 Q Corrective maintenance, right here. I'm  
11 referring to Exhibit 4?

12 A Right, Column I.

13 Q So you're allowed -- what you're allowing  
14 is zero?

15 A Right.

16 Q So that's 100 percent I was referring to,  
17 this number, 100 percent disallowance?

18 A Right. You referred to Row H.

19 Q I'm sorry. My mistake.

20 And at Pages 33 through 37

21 Mr. Donnelly discusses corrective maintenance, right?

22 A Correct.

1           Q     And you read that?

2           A     I did.

3           Q     And is it your understanding that the  
4     entirety of that investment in corrective maintenance  
5     is not known?

6           A     My position is that the discussion that has  
7     been provided by Mr. Donnelly sets forth the  
8     Company's plan. That plan is based on historic  
9     information.

10                     There's at least two ITNs that talk  
11     about emergency work. I think storm damage is also  
12     part of this category. And those amounts, if it's  
13     truly an emergency, the Company shouldn't know about  
14     it ahead of time, if they did, it would not be an  
15     emergency. I don't know how they can know that a  
16     storm is going to occur.

17                     I understand that they need to plan  
18     for these possibilities and that is appropriate, but  
19     that does not meet the known and measurable standard  
20     as I interpret it for inclusion in historic test year  
21     rate case filing.

22           Q     If a cable fall occurs, the Company has to

1     repair it, right?

2             A     Yes, they do.

3             Q     And based upon your definition of "known,"  
4     if a cable fault occurred next week, and ComEd paid a  
5     million dollars to fix it, that's not known based on  
6     your definition, right?

7             A     Right.

8             Q     So anything that happens in the future with  
9     respect to cable falls would not be recoverable based  
10    on your understanding of known and measurable?

11            A     Not when the Company chooses to file a  
12    historic test year.  If the Company had filed a  
13    future test year --

14            Q     But in this case, it's a historical test  
15    year?

16            A     Right.  Right.

17                    If the Company has the opportunity to  
18    file a rate case filing that would consider those  
19    future events, that would be totally appropriate.

20                    But just including future events based  
21    on plans and budgets is not appropriate for the known  
22    measurable standard in a known historic test year.

1           Q     And when overhead lines fall down and have  
2     to be repaired, it's your position that with respect  
3     to all that work that's going to occur in the pro  
4     forma period, if it has not already occurred, then  
5     it's not known?

6           A     Right.

7           Q     And that would also be true with respect to  
8     storms, right?

9           A     Right.

10          Q     And when you discussed this category, you  
11     also reviewed Mr. Donnelly's testimony and in  
12     particular his testimony that 920,000 labor hours for  
13     corrective maintenance are planned for the last two  
14     months of 2010 and the first six months of 2011,  
15     right?

16          A     Can you direct me to his testimony.

17          Q     It's his rebuttal testimony Page 34, Line  
18     690 to 695?

19               JUDGE SAINSOT:   And his rebuttal testimony is  
20     ComEd --

21               MR. BERNET:     32.

22               JUDGE SAINSOT:   The page again?



1           MR. BERNET:   34.

2   BY MR. BERNET:

3           Q     Do you see that?

4           A     I see that.

5           Q     You don't dispute that, right?

6           A     That's ComEd's plan, and I don't have any

7   reason to dispute that.

8           Q     And 171,000 hours for underground

9   corrective maintenance and 479,000 hours for aerial

10  corrective maintenance?

11          A     That's ComEd's plan.

12          Q     Can I direct your attention to ComEd

13  Cross-Exhibit 2.  And I would like to direct your

14  attention to the -- these page are not numbered.

15                   Can you go directly to the corrective

16  maintenance category?

17          A     It starts on the second large page.

18          Q     I'm referring to ComEd Cross-Exhibit 3.

19   It's the same thing, I think.  It's just one is

20  bigger than the other.  One is easier to read.

21                   Just so we are clear, it's on Page 5.

22   I'm looking at ITN 10622.

1                           Do you see that?

2           A     I do.

3           Q     And so you understand that to be a blanket  
4   overhead distribution for defect repairs, right?

5           A     Yes.

6           Q     So that's the work we just talked about,  
7   when something breaks on a pole, ComEd has to fix it,  
8   that's that kind of work, right?

9           A     Yes.

10          Q     This line on the spreadsheet shows, if you  
11   read it across, it shows the dollar amounts that you  
12   allow through October, right?

13                           Do you see the 42 million?

14          A     I do. I allowed the amounts through  
15   December.

16          Q     I understand. I'm getting to that.

17          A     Okay.

18          Q     So the 42 million 033 is the amount you  
19   allowed through October, right?

20          A     Right.

21          Q     You also then allowed 3 million 750  
22   thousand in this category for November and December?

1           A     Right.

2           Q     And at the time you allowed that, that work  
3     had not occurred yet, right, or you don't know  
4     whether that work had occurred?

5           A     At the time I allowed this, my rebuttal  
6     testimony was filed December 23rd, so I assumed that  
7     the forecast for November and December was pretty  
8     accurate or would result pretty close to actual.

9           Q     But you assumed? You didn't do any  
10    investigation?

11          A     No.

12          Q     Again, we are talking about a lot of  
13    numbers here.

14                   When you're looking at the numbers  
15    that you're allowing or disallowing, you're relying  
16    on the spreadsheets that ComEd produced in this case;  
17    isn't that correct?

18          A     Correct.

19          Q     And let me just direct your attention to a  
20    couple other ITNs in new business.

21                   If you can go to the New Business  
22    Section, it's in the -- do you see ITNs 5968 and 5972

1       there?

2           A     I do.

3           Q     So reading across, you're allowing roughly

4       70 million in those two ITNs through December?

5           A     It's about 75.

6           Q     75 million?

7           A     Right.

8           Q     And zero for 2011?

9           A     Yes.

10          Q     Do you think between now and June 2011 that

11       it's reasonable for the Commission to assume that no

12       cable will fail?

13          A     No.

14          Q     Do you think it's reasonable for the

15       Commission to assume that no overhead defects will

16       occur?

17          A     No.

18          Q     Do you think it's reasonable for the

19       Commission to assume that no new business connections

20       will be made inside Chicago?

21          A     No.

22          Q     And same thing with respect to outside

1 Chicago?

2 A Correct.

3 Q Directing your attention to your rebuttal

4 testimony at Page 15.

5 JUDGE SAINSOT: That's Staff Exhibit 16.0,

6 Counsel?

7 MR. BERNET: It is.

8 THE WITNESS: What page again?

9 MR. BERNET: 15.

10 BY MR. BERNET:

11 Q And so at Lines 281 through 285, do you see

12 those?

13 A I do.

14 Q Can you read those two lines please.

15 A 281 through 283?

16 Q 281 through 285.

17 A "Mr. Donnelly discusses costs

18 associated with six of the facility

19 relocation projects. Four of the

20 projects are expected to go into

21 service during the first and second

22 quarters of 2011. The remaining two

1 projects are expected to be in service  
2 by December 2010 and are already  
3 included in the plan of service of  
4 December 31, 2010."

5 Q Okay. So with respect to those four  
6 projects, you've concluded that those are known and  
7 measurable and reasonably expected to occur before  
8 the end of June 2011?

9 All I'm asking you is you're relying  
10 on Mr. Donnelly's statement to reach your conclusion?

11 A I'm relying on the discussion that was in  
12 his testimony, correct.

13 Q And that's true with respect to Lines 832  
14 to 835 of Mr. Donnelly's testimony, his rebuttal  
15 testimony?

16 JUDGE SAINSOT: His rebuttal testimony is 32.0,  
17 so Page 832 or Line 832 is on?

18 MR. BERNET: Page 40.

19 JUDGE SAINSOT: Okay.

20 BY MR. BERNET:

21 Q And so that's what you referred to Lines  
22 819 to 831 -- I'm sorry, 832 to 845, that's the

1 information that Mr. Donnelly provided that you  
2 relied upon; is that right?

3 A It's part of the information.

4 Q But that's all you cite to in your  
5 testimony, right?

6 A Right.

7 Q Now, are you familiar with a PAR form?

8 A I believe so. That's a Purchase  
9 Authorization Request.

10 Q Project Authorization?

11 A Okay.

12 Q Can you tell the judges what you understand  
13 that document to be.

14 A That document was included in the CD,  
15 Exhibit 32.2. It was detail of costs for specific  
16 ITNs for certain periods of time.

17 Q And, in fact, Mr. Donnelly discussed a  
18 project called the Midway Airport Project in his  
19 testimony, right?

20 A Right.

21 Q And directing your attention to  
22 Mr. Donnelly's rebuttal testimony at Page 62, that's

1     where he talks about the Midway Airport Project and  
2     it's two ITNs, 45167 and 45170?

3             A     Right.

4             Q     And you disallowed both of those projects?

5             A     Yes.

6             Q     And the basis for your disallowance, at  
7     least one basis for your disallowance is that a PAR  
8     form included in 32.2 was going to be completed in  
9     2012 instead of 2011, right?

10            A     Right, I believe that is included in my  
11     response to ComEd Staff DR 10.03.

12            MR. BERNET:   May I approach?

13            JUDGE SAINSOT:   Yes.

14     BY MR. BERNET:

15            Q     I will hand you what's marked ComEd  
16     Cross-Exhibit 5.

17                     Do you recognize that document?

18                     That's a PAR form, isn't it?

19            A     Yes, it is.

20            Q     If you look at the top left-hand corner,  
21     you see an ITN 45170.

22                     Do you see that?



1           A     I do.

2           Q     And can you tell me -- well, and that's the  
3     ITN that you're disallowing because the PAR form had  
4     a date beyond June 30 of 2011?

5           A     Right.

6           Q     And where on that document does it say that  
7     project is going to be put in service beyond June  
8     2011?

9           A     There's a requested end date that says 01  
10    February 2012.

11          Q     At the top on the right-hand side?

12          A     (Shaking head up and down.)

13          Q     And it's your testimony that that means  
14    this project will not go into service until February  
15    of 2012?

16          A     That's how I interpreted the information.

17          Q     Did you ask ComEd any questions about this?

18          A     No.

19          Q     And you looked at other documentation  
20    related to this ITN, right?

21          A     Right.

22          Q     In 32.2, right?

1           A     I believe I did.

2           MR. BERNET:   May I approach?

3           JUDGE SAINSOT:   Yes, you may.

4           MR. BERNET:   Mark this as ComEd Exhibit 6.

5                               (Whereupon, ComEd Cross Exhibit

6                               No. 6 was marked for

7                               identification.)

8           MR. BERNET:   That's a document that says

9   Station 13, Crawford new feeder reconfiguration

10   improvement plan?

11           THE WITNESS: Yes.

12   BY MR. BERNET:

13           Q     And that, on the cover, it says ITN 45170,

14   that's the same ITN, right?

15           A     Right.

16           Q     Did you review that document?

17           A     I can't say definitely that I did or did

18   not.

19           Q     Turn to the second page of that document,

20   second bullet.   Can you read that?

21           A     "The project has a projected 06/05/11

22   service date."

1           Q     Did you consider that when you disallowed  
2     this project?

3           A     I considered all the information that I  
4     reviewed.

5           Q     So you believe the PAR form was more  
6     accurate information than this document?

7           A     There was conflicting information that was  
8     provided.

9           Q     And you accepted the PAR form over  
10    Mr. Donnelly's testimony and over this document?

11          A     Once again, the information was  
12    conflicting.

13          Q     And ITN 45170 -- so it's your testimony  
14    that this project, this Midway Project is not going  
15    into service until sometime after June of '11?

16          A     That's information that was included on one  
17    of the pieces that the Company provided to me.

18          Q     I understand that.

19                     But your position is based on that  
20    document, it's not going into service until after  
21    June of '11?

22          A     Correct.

1           MR. BERNET: May I approach?

2           JUDGE SAINSOT: Yes.

3           MR. BERNET: This is ComEd Group

4 Cross-Exhibit 7.

5                               (Whereupon, ComEd Group

6                               Cross Exhibit No. 7 was

7                               marked for identification.)

8 BY MR. BERNET:

9           Q     Those are photographs, and on the

10           photographs, on ComEd Cross-Exhibit 7, do you see

11           where it says at the bottom, 45167 Midway System

12           Improvements, then there's a date November 17, 2010?

13           A     Yes.

14           Q     And attached -- I mean, there are one, two,

15           three, four, five photographs?

16           A     Yes.

17           Q     Did you see those in ComEd Exhibit 32.2?

18           A     Yes, I did.

19           Q     And in your judgment a PAR form is a

20           reliable piece of information upon which the

21           Commission can make a judgment about whether or not a

22           project's going to go into service at any given time?

1           A     It's part of the evidence provided by the  
2     Company to support the project.

3           Q     But you consider that to be reliable  
4     evidence, right?

5           A     Correct.

6           Q     You know that ComEd must invest in its  
7     system over the next six months, right?

8           A     As an accountant, I don't know that I know  
9     what the Company must do over the next six months.

10          Q     Right.

11                     As an accountant, you don't pretend to  
12     understand what ComEd has to do to meet its  
13     obligation to serve, right?

14          A     That's beyond the scope of my testimony and  
15     my expertise.

16          MR. BERNET:   Nothing further.

17          JUDGE SAINSOT:   Redirect?

18          MS. LIN:   We will.   Can we confer with our  
19     witness and take a bathroom break?

20          JUDGE DOLAN:   Yes.

21          JUDGE SAINSOT:   How much redirect do you have?

22          MS. LIN:   Zero.

1 JUDGE SAINSOT: So there's no redirect.

2 JUDGE DOLAN: Then, Ms. Ebrey, you're excused

3 then.

4 JUDGE SAINSOT: Thank you, Ms. Ebrey.

5 MR. BERNET: I would like to move for admission

6 of certain of my cross exhibits please.

7 I would like to move for admission of

8 ComEd Cross Exhibits 4, 5, 6 and 7.

9 MS. LIN: Aren't some of those already in 32.2.

10 MR. BERNET: I think so, but 32.2 is so huge,

11 as you know.

12 MS. LIN: Exactly.

13 No objection.

14 JUDGE DOLAN: Then ComEd Exhibits 4, 5, 6 and 7

15 will be admitted into the record.

16 (Whereupon, ComEd Exhibit Nos. 4

17 through 7 were admitted into

18 evidence.)

19 MS. LIN: Just a point of clarification from

20 yesterday. Did Staff Cross Exhibits 8, 11 and 12 get

21 admitted? I know there was no objection from the

22 Company, but I don't know if they were on the record.

1 JUDGE SAINSOT: From yesterday?

2 MS. LIN: Yesterday.

3 JUDGE SAINSOT: Hold on I segregated some cross  
4 exhibits. I'm pretty sure they weren't; otherwise,  
5 why would I bother segregating them.

6 MS. LIN: All right.

7 JUDGE SAINSOT: Let me just look. So you're  
8 making a motion now, Ms. Lin?

9 MS. LIN: Yes, Staff is moving Staff Cross  
10 Exhibits 8, 11 and 12 into the record, and I know  
11 there was an issue with 11, but I think by the end of  
12 the day, Mr. Bernet said it was fine.

13 JUDGE SAINSOT: Not 10.

14 MS. LIN: No, 10 is already in the record.

15 JUDGE DOLAN: Then Staff Cross Exhibits 8.

16 MS. LIN: 11 and 12.

17 JUDGE DOLAN: 8, 11 and 12 will be admitted  
18 into the record.

19 (Whereupon, Staff Cross Exhibit  
20 Nos. 8, 11 and 12 were admitted  
21 into evidence.)

22 MR. BERNET: The last point of business I think

1 is whether or not Mr. Donnelly's exhibits -- you had  
2 a motion to strike?

3 MS. LIN: Yes.

4 It was Mr. Donnelly's Exhibit 58.10.  
5 I believe there was some admissions made by  
6 Mr. Donnelly that the first and the sixth purchase  
7 order in his Exhibit 58.10, which happened to be  
8 Staff Cross-Exhibit 10, I believe it is, that they  
9 were neither provided previously in discovery or as  
10 part of Mr. Donnelly's rebuttal testimony; i.e., the  
11 voluminous 32.2. And as such we would be moving is  
12 to strike those two purchase orders as new evidence  
13 never previously tendered and not subject to rebuttal  
14 by Staff and other intervenors.

15 JUDGE SAINSOT: Which purchase orders are  
16 these?

17 MS. LIN: It's the first one and the last one.

18 JUDGE SAINSOT: Staff Cross-Exhibit 10?

19 MS. LIN: Yes.

20 JUDGE SAINSOT: And you're moving to strike  
21 those from that monster --

22 MS. LIN: I'm sorry. I think it's Staff



1 Cross-Exhibit No. 9.

2 MR. BERNET: Right.

3 JUDGE SAINSOT: Staff Cross-Exhibit 9.

4 MS. LIN: I apologize. It's Mr. Donnelly's  
5 Exhibit 58.10. That's the one Mr. Dolan is holding  
6 right there.

7 JUDGE DOLAN: You're saying it's the first  
8 invoice that's 01075222.

9 MS. LIN: Release 15.

10 JUDGE DOLAN: Release 15 and Release 91.

11 MS. LIN: Release 91 and Service Order 128612.

12 JUDGE DOLAN: Response.

13 MR. BERNET: Yes.

14 Mr. Donnelly, his testimony at Page 64  
15 of the surrebuttal discusses this exhibit. And if  
16 you look at the answer on Line 13 -- the question and  
17 answer at Line 1315: "Is there any further support  
18 available for the investment to be made under the ITN  
19 2421402 during the first and second quarter of 2011?

20 "Yes, purchase orders and/or  
21 requisitions consistent with ComEd's plan have now  
22 been issued for all fleets scheduled to be placed in

1 service by June 30, 2011."

2 Those documents are attached as  
3 Exhibit 58.10, which is Staff Cross-Exhibit 58.9.

4 And if you look at the two purchase  
5 orders that Staff is seeking to strike, they were  
6 printed on December 30th, and they were given to  
7 Staff in Mr. Donnelly's surrebuttal on January 3.  
8 There was no pending data request saying, Give us all  
9 purchase orders for fleet.

10 So I think there's absolutely no basis  
11 to strike these.

12 JUDGE SAINSOT: Staff.

13 MS. LIN: Mr. Bernet hit the head right on the  
14 nail. It was printed December 30th. Our rebuttal  
15 testimony was filed on December 23rd. This wasn't  
16 included in Mr. Donnelly's testimony until January  
17 3rd, which was a week before the hearing started.

18 So at that point, all time had expired  
19 as far as a chance for Staff to rebut that  
20 information or for intervenors to rebut that  
21 information.

22 So it's not so much that Mr. Donnelly

1     has testified to that in his testimony. Yes, he is  
2     admitting that it's further support and that the  
3     purchase orders have now been issued suggesting that  
4     these are brand new and Staff and other intervenors  
5     have not had a chance to rebut that information and  
6     it was presented for the first time in surrebuttal  
7     testimony.

8             MR. BERNET: Well, you know, we get the last  
9     word. So Staff doesn't get a chance to rebut what we  
10    say in testimony. So, I'm not sure I even understand  
11    the point.

12            JUDGE SAINSOT: Hold on. The last word is not  
13    the same thing as brand-new evidence.

14            MR. BERNET: It's not brand-new evidence,  
15    though.

16            JUDGE SAINSOT: That's what she's saying.

17            MR. BERNET: Well, no.

18                    I think what we're saying is it's an  
19    ITN that has existed since the case began. It is  
20    invoices for a plant that we had in our pro forma all  
21    along. It's just two more invoices and they didn't  
22    exist before December 30th.

1                   So it's an update.

2           MS. LIN:   It's not an update.   It's a brand-new  
3   requisition for funds.   Just like Mr. Donnelly  
4   testified yesterday, the new releases means it's a  
5   new request for money under the same ITN number.

6                   So this was Release 15 and Release 19  
7   of a particular purchase order, so brand new requests  
8   for an additional chunk of money that wasn't  
9   previously provided for or requested for prior to  
10   December 30th of 2010.

11                   This is just like the evidence that  
12   your Honors had allowed to get stricken from  
13   Ms. Houtsma's testimony, it's brand-new evidence  
14   that's now been put in.

15                   Yes, the PO existed.   Yes, the ITN  
16   existed prior to the surrebuttal testimony, but these  
17   purchase orders, these particular versions with that  
18   particular chunk of money for a particular number of  
19   units of something were brand-new requests as of  
20   January 3, 2011.

21           MR. BERNET:   First of all, she fundamentally  
22   mischaracterizes Mr. Donnelly's testimony.   He

1       doesn't say it's new money.   It's not new money.  
2       It's the same thing we have been saying all along.  
3       It's a requisition that preexisted and it's just  
4       simply another piece of paper that further supports  
5       the number that's been in all along.

6               JUDGE SAINSOT:   You mean the total category  
7       doesn't change?

8               MR. BERNET:   Right.

9               MS. LIN:   But the amounts change.   We have  
10       never seen these purchase orders before.

11              JUDGE SAINSOT:   He's saying the total category,  
12       Fleet.

13              MS. LIN:   The category exists, the ITN exists,  
14       but these two particular purchase orders for 12  
15       chassis in the amount of 1.8 million, and then the  
16       other one for the amount of 12 units of more chassis  
17       in the amount of 1.86 million, these two are brand  
18       new in that we have never seen these two purchase  
19       orders before.

20              JUDGE SAINSOT:   But has the amount of fleet --

21              MS. LIN:   These would be adding to the fleet.

22              MR. BERNET:   No, they're further support for

1 the number that was already in.

2 MS. LIN: Which we had never seen before.

3 MR. BERNET: You seen the numbers. There were  
4 other purchase orders that were in 32.2.

5 All this is is what has now come into  
6 being to, you know, on December 30. There was no  
7 pending data request for this either.

8 MS. LIN: It's not like a purchase order that  
9 we had seen prior that had a new delivery date or  
10 updated information. That's not what is happening  
11 here. These are two brand-new purchase orders that we  
12 had never seen before on January 3 of 2011.

13 JUDGE SAINSOT: Judge Dolan and I are going to  
14 confer amongst ourselves privately.

15 (Whereupon, a discussion was  
16 had off the record.)

17 JUDGE SAINSOT: We are going to deny your  
18 motion to strike.

19 (Whereupon, there was  
20 a change in reporter.)

21

22

1 (Change of reporter.)

2 JUDGE DOLAN: Let's get the Dominion and  
3 Mr. Jenkins in evidence.

4 (Witness sworn.)

5 JUDGE DOLAN: All right. Go ahead. Proceed.

6 JAMES L. CRIST,  
7 called as a witness herein, having been first duly  
8 sworn, was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY

11 MR. MOORE:

12 Q Could you please state your name.

13 A I'm James L. Crist.

14 Q And by whom are you employed?

15 A I'm the president of Lumen Group,  
16 Incorporated, a consulting firm. And I'm retained by  
17 Dominion Retail, an alternative retail electric  
18 marketer active in several states.

19 Q I show you what's been marked for  
20 identification as Dominion Exhibit 1, 13 pages of  
21 question and answer.

22 Did you prepare this testimony?

1           A     Yes, I did.

2           Q     And if asked the same questions today,  
3 would you give the same answers?

4           A     Yes, I would.

5           Q     And you have no correction to this  
6 testimony?

7           A     That is correct.

8           Q     I show you what's been marked for  
9 identification as Dominion Exhibit 2.0, six pages of  
10 question and answer.

11                     Did you prepare this testimony?

12          A     Yes, I did.

13          Q     And if asked the same questions today,  
14 would you give the same answers?

15          A     Yes, I would.

16          Q     And do you have any corrections to this  
17 testimony?

18          A     No, I do not.

19          Q     And I show you what's been marked for  
20 identification as Dominion Exhibit 3.0, consisting of  
21 14 pages of question and answers.

22                     Did you prepare this testimony?



1           A     Yes, I did.

2           Q     And if asked the same questions today,  
3 would you give the same answers?

4           A     Yes, I would.

5           Q     And do you have any corrections to this  
6 testimony?

7           A     No, I do not.

8           MR. MOORE: I move into evidence Dominion  
9 Exhibits 1, 2 and 3.

10          JUDGE DOLAN: Any objection?

11          MR. RIPPIE: None, your Honor.

12          JUDGE DOLAN: All right. Then Dominion  
13 Exhibit 1, 2 and 3 will be admitted into the record.

14                               (Whereupon, Dominion Exhibit  
15                               Nos. 1, 2 and 3 were admitted  
16                               into evidence.)

17          JUDGE SAINSOT: Thank you, Mr. Crist. You can  
18 step down.

19          MR. JENKINS: Thank you. Alan Jenkins.

20                               All parties have waived cross of  
21 Mr. Baudino and Mr. Crist. So we would submit for  
22 the record the direct testimony of Mr. Baudino, CG

1 Exhibits 1.0, 1.1, 1.2 and 1.3 filed on e-Docket on  
2 November 19th, 2010, as well as the direct testimony  
3 of David Vite identified as CG Exhibits 2.0 and 2.1,  
4 also filed on e-Docket on November 19th, 2010.

5 And, finally, the rebuttal testimony  
6 of Mr. Baudino identified as CG Exhibits 3.0 filed on  
7 e-Docket on December 30th, 2010.

8 We also have an original and two  
9 copies of the verifications of Mr. Baudino and  
10 Mr. Vite of this testimony and we move all of this  
11 into the record.

12 JUDGE DOLAN: Any --

13 JUDGE SAINSOT: Would you go over the name of  
14 your second witness for me.

15 MR. JENKINS: Mr. David Vite, V-i-t-e.

16 JUDGE SAINSOT: And he's Commercial Group  
17 Exhibit No. 2.0?

18 MR. JENKINS: 2.0 and 2.1.

19 JUDGE SAINSOT: 2.1.

20 And Mr. Baudino's the attachments to  
21 the Commercial Group --

22 MR. JENKINS: 1.1, 1.2 and 1.3 were the

1     attachments for direct.  There were no attachments  
2     for the rebuttal.

3             THE COURT:  Okay.  I just want to make sure  
4     it's clear for the record.

5                     Okay.  Any objections to admission of  
6     these documents that I so painstakingly went over?

7             MR. RIPPPIE:  None, your Honors.

8             JUDGE SAINSOT:  Okay.  With that being the  
9     case, your motion is granted and Commercial Group  
10    Exhibits 1.0 and 1.1 through 1.3 as well as 2.0 and  
11    2.1 and 3.0 are entered into evidence.

12                             (Whereupon, Commercial Group  
13                             Exhibit Nos. 1.0, 1.1 through  
14                             1.3, 2.0, 2.1, 3.0 were  
15                             admitted into evidence.)

16             JUDGE DOLAN:  Mr. Rockrohr --

17             MR. FEELEY:  I'll be putting on Mr. Rockrohr,  
18    but I do have a question.  Mr. Rockrohr -- it looks  
19    like the Company has about 45 minutes for him and  
20    it's been suggested that we do all of his cross and  
21    if there's any redirect on public information, do  
22    that first and then go into the confidential.

1                   And my question is, our next witness,  
2   Mr. Lazare, would it be your intent for him to go  
3   after lunch given the time of day?

4           JUDGE DOLAN:   I'm sure it is, yes.

5           MR. FEELEY:   All right.   At this time --

6           JUDGE DOLAN:   Unless we get done a lot quicker,  
7   I would imagine that's probably reasonable.   And then  
8   that will actually give us time to get set up right  
9   before lunch -- or right after lunch and we can move  
10   ahead.

11                   Okay?

12           MR. FEELEY:   Okay.   Yep.

13                   At this time, Staff calls the next  
14   witness, Greg Rockrohr.

15                                   (Witness sworn.)

16                   GREG ROCKROHR,  
17   called as a witness herein, having been first duly  
18   sworn, was examined and testified as follows:

19                           DIRECT EXAMINATION

20                           BY

21                           MR. FEELEY:

22           Q       Could you please state your name for the

1 record.

2 A Greg Rockrohr.

3 Q Mr. Rockrohr, do you have in front of you  
4 two documents that have been marked for  
5 identification as ICC Staff Exhibit 6.01?

6 The first page is the unredacted  
7 direct testimony and the other is the redacted direct  
8 testimony of Greg Rockrohr consists of narrative text  
9 and Attachments A through T?

10 A Yes.

11 Q Okay. Do you also have in front of you  
12 what has been marked for identification -- and these  
13 were provided to the -- you know, days earlier --  
14 it's been marked for identification as ICC Staff  
15 Exhibit 21.0, which there's a redacted and  
16 unredacted, it's rebuttal testimony of Greg Rockrohr  
17 with Attachments A through E?

18 A Yes.

19 Q And those were prepared by you or under  
20 your direction, supervision and control?

21 A Yes.

22 Q Do you have any changes to ICC Staff

1 Exhibit 6.0 redacted or unredacted or ICC Staff  
2 Exhibit 21.0 redacted or unredacted?

3 A No.

4 MR. FEELEY: At this time, Staff would move to  
5 admit into evidence ICC Staff Exhibit 6.0 with its  
6 attachments, both the redacted and unredacted, and  
7 ICC Staff Exhibit 21.0 with its attachments, both  
8 redacted and unredacted.

9 JUDGE SAINSOT: What are the attachments to  
10 Staff Exhibit 6.0?

11 MR. FEELEY: There's A through T, however many  
12 numbers that is.

13 Do you want me to go through each one?

14 JUDGE SAINSOT: No. No. No, but thank you.

15 A through B, like boy?

16 MR. FEELEY: A through E, as in egg.

17 JUDGE SAINSOT: Okay. Any objection?

18 JUDGE DOLAN: Again, your sheet says A through  
19 D. So it is E.

20 JUDGE SAINSOT: All right. Hearing no  
21 objection, your motion is granted, Counsel.

22 Staff Exhibit 6.0, including the

1 Attachments A through T, like Tom, are admitted into  
2 evidence; and Staff Exhibits 21.0 with Attachments A  
3 through E, like early, are admitted into evidence.

4 (Whereupon, Staff Exhibit  
5 No. 6.0, Attachments A through  
6 T, and Staff Exhibit 21.0,  
7 Attachments A through E were  
8 admitted into evidence.)

9 MR. FEELEY: I see that. We'll correct that on  
10 our exhibit.

11 So Mr. Rockrohr is available for  
12 cross-examination.

13 JUDGE SAINSOT: Mr. Jenkins, are you ready to  
14 proceed?

15 MR. JENKINS: Yes, sir.

16 CROSS-EXAMINATION

17 BY

18 MR. JENKINS:

19 Q Good morning. Alan Jenkins for the  
20 Commercial Group.

21 I'll be asking you a few questions  
22 concerning your direct testimony of Staff

1 Exhibit 6.0.

2 First, can you tell me do losses  
3 through a conductor depend on the length of the  
4 conductor?

5 A Yes.

6 Q And is the length of the conductor captured  
7 then in the resistance part of the formula loss  
8 equals square of the current times resistance?

9 A Yes.

10 Q All right. Directing your attention to  
11 Page 24 of Exhibit 6.0 --

12 A Okay.

13 Q -- you state generally there that services  
14 for medium- and large-load customers are typically  
15 short and a larger conductor size so there's little  
16 resistance in the service conducted, but that some  
17 losses occur through all service lines based on the  
18 current flowing through the wire and the resistance  
19 of the wire, correct?

20 A Yes.

21 Q And when you say by the term "larger  
22 conductor size," I assume you're referring to



1 something other than length?

2 A Yeah, the cross-sectional area of the  
3 conductor is the size.

4 Q Okay. Thank you.

5 Now, in recommending that ComEd change  
6 the system data tab values for sec, slash, services  
7 from zero percent to 50 percent and 40 percent for  
8 the medium- and large-load classes, you stated that  
9 you would consider alternative nonzero percentages to  
10 represent losses in services to members of those  
11 classes, correct?

12 A Yes.

13 Q Now, do I understand correctly from that  
14 statement that you have not performed a study of the  
15 losses that would occur from medium- and large-load  
16 service lines?

17 A Correct.

18 Q Now, in Mr. Born's rebuttal testimony,  
19 Exhibit 34.1, Mr. Born changed the same loss tab for  
20 FCC, slash, services for both the very large and  
21 extra-large-load classes from zero to 5 percent.

22 Do you agree with that change?

1           A     Could you tell me where?

2           Q     Sure.

3                     It's in ComEd Exhibit 34.1, Appendix

4   C.   It's this.

5           A     When you said -- they changed it from what

6   to what again?

7           Q     From -- in the columns there, 1 to 10

8   megawatt and over 10 megawatt from zero in the -- in

9   his original similar exhibit -- in his original

10   direct testimony from zero percent to 5 percent?

11          A     Yeah, I see that.

12          Q     And do you agree with that change?

13          A     For the 1 to 10 megawatt?

14          Q     For the 1 to 10 megawatt and for the

15   greater than 10 megawatt columns?

16          A     I don't disagree with it. I think it's

17   reasonable that there would be some losses, if a

18   service existed for those customers.

19          Q     So it's similar to the two prior columns

20   for 100 to 400 kW and 400 to 1,000 kW where the

21   losses are something more than zero.

22                     You haven't performed a study and so

1     these amounts may be reasonable?

2             A     That's an accurate characterization.

3             Q     Thank you.

4                     Now, can you say -- can you tell me,  
5     how do the service conductors compare in size and  
6     length for the large-load class versus those of the  
7     very large-load class?

8             A     Well, typically, the greater the load, the  
9     greater the cross-sectional area of the services that  
10    supply that load.  Likewise, the greater the load,  
11    the greater the -- our loss is on those services.

12                    So the -- if your question is with  
13    regard to the conductor, the larger the load class --  
14    typically, the larger the cross-sectional area of the  
15    conductor, that doesn't necessarily, to me, dictate  
16    that the losses will be the same proportional chain.

17            Q     Okay.  And I assume that's true then also  
18    as you go up the scale to an extra-large-load class,  
19    this continuation or are those wires roughly the  
20    same?

21            A     Well, the difference there is -- my  
22    understanding is once you get to a certain size

1 customer, there is no longer a service. Often those  
2 customers take service at a nontransformed level so  
3 that the line that supplies them may or may not fall  
4 into this secondary service category on this table.

5 Q Mm-hmm.

6 A If they were to fall into that category on  
7 this table, then, yes, I would agree with your  
8 premise that the same principle would apply.

9 Q You know what all is involved in this  
10 category, sec, slash, service?

11 A I can tell you my understanding of what's  
12 involved in that category, is the losses that would  
13 occur on ComEd's system in supplying the various  
14 customer classes over this type of facility. And  
15 normally a secondary facility would be a facility  
16 that operates at less than a distribution voltage of,  
17 say, 12 kV -- or less than primary, let's say,  
18 voltage that is used for -- on a distribution system.

19 And then my interpretation of the  
20 service would be that lower voltage line that  
21 supplies no one but that specific customer. So that  
22 would be like a drop to each individual customer that

1 receives service at a secondary voltage.

2 Q Okay. Thank you.

3 Now, could you compare the relative  
4 level of current that flows through service  
5 conductors and are used going up the scale from the  
6 medium, large to very large, extra-large-load  
7 classes?

8 A Well, generally, I would say that as we  
9 look at this table, they would increase as we get to  
10 the larger customers from the -- residential  
11 customers would be less and then as we go to the  
12 larger customer class -- classes, it would increase.

13 Q And I assume since these figures on the --  
14 Line 19 are actually decreasing despite the increase  
15 in current, that's due to the relative size of the  
16 conductor increasing substantially and the fact that  
17 those conductors are fairly short for the larger  
18 classes; is that correct?

19 A Yes, coupled with the fact that those  
20 customers are not typically supplied by any  
21 secondary, services only.

22 Q Any secondary lines as opposed to service

1 lines?

2 A Yes.

3 Q Now, given all of that, would you consider

4 values of 25 percent and 20 percent for the sec,

5 slash, services loss data there for the medium- and

6 large-load classes also to be reasonable figures?

7 A Possibly. I would need to read the

8 argument supporting those values. I think my

9 testimony was along the lines of -- that I would

10 consider other values giving an explanation for

11 derivation or something similar to that.

12 Q Now, is this the type of finding you would

13 think would be possible through a new distribution

14 loss study?

15 A If such a study included -- I should say

16 only if such a study included some real-life

17 measurement.

18 Q Otherwise, it's largely guesswork?

19 A Correct.

20 Q Thank you.

21 MR. JENKINS: Nothing further.

22 JUDGE DOLAN: Thank you.

1 CROSS-EXAMINATION

2 BY

3 MR. BALOUGH:

4 Q Good morning, Mr. Rockrohr. My name is  
5 Richard Balough and I represent the Chicago Transit  
6 Authority in this case.

7 Now, I wanted to talk to you a little  
8 bit about your recommendation concerning the railroad  
9 class.

10 Now, as I understand your testimony,  
11 you agree that -- that ComEd uses the facility --  
12 some facilities at the railroad traction power  
13 substations to provide service to other ComEd  
14 customers; is that correct?

15 A Yes.

16 Q And that's because of the loop nature of  
17 the service that's provided to the traction power  
18 substations?

19 A Yes.

20 Q Your concern in this docket is from the  
21 engineering perspective that is -- as I read your  
22 testimony, you say it's not good engineering practice

1     for a Utility to serve customers to another  
2     customer's facilities.

3                     Does that summarize your concern?

4             A     If I could clarify that my concern relates  
5     to dependence upon facilities that the utility does  
6     not own or control.

7             Q     And in the case of the traction power  
8     substations, once -- the bus that connects the two  
9     circuits in the traction power substations is  
10    maintained by the railroads; is that right?

11            A     Yes.

12            Q     And that's your concern?

13            A     Coupled with the closed loop system, yes.

14            Q     And because the system is operated in a  
15    closed loop, what happens is that power can flow from  
16    one of the circuits over the bus and out to the other  
17    circuit and, therefore, serve ComEd -- other  
18    customers; is that correct?

19            A     Yes, not only -- yes.

20            Q     And you've made in your testimony, both  
21    your direct and your rebuttal, several proposals as  
22    to how that problem, as you see it, might be



1 resolved; is that correct?

2 A Yes.

3 Q And when I looked at the pretrial  
4 memorandum filed by the Staff in this case, it  
5 appears that at least it's your recommendation that  
6 you have abandoned, for lack of a better term, your  
7 oth- -- some of the recommendations that you made in  
8 your testimony; is that right?

9 A You know, actually, I would not say that is  
10 correct. I made proposals that are -- proposals in  
11 my testimony for -- I presented ideas on how this  
12 could be eliminated and I don't believe that I  
13 abandoned the fact that these ideas are out there.

14 And so I don't know if that answers  
15 your question or not, but...

16 Q Well, let me try it a different way.

17 One of the proposals or ideas -- I'll  
18 use your term -- the ideas that you had was for ComEd  
19 to purchase from the Railroad customers -- railroad  
20 class at least the 12 kV bus where the circuits are  
21 connected.

22 Is that an accurate reflection of one

1 of your suggestions?

2 A Yes. And, again, I put some possible  
3 solution caveats in my testimony.

4 Q And I think it would be fair to say that  
5 that particular proposal was not met with  
6 overwhelming reception by either ComEd or the CTA or  
7 Metra; is that correct?

8 A Yes.

9 Q And then a second proposal that you had was  
10 for the substations -- traction power substations to  
11 operate in an open loop rather than closed loop  
12 configuration; is that right?

13 A Correct.

14 Q And in an open loop configuration, what  
15 would happen, if I understand it, is that one circuit  
16 would feed the traction power substation or the other  
17 circuit would feed it, but the breaker that is now  
18 closed would be open so that the power could not flow  
19 from one circuit to another; is that correct?

20 A Yes, that's generally correct.

21 Q In your rebuttal testimony, you suggest  
22 that ComEd come up with a solution being some kind of

1 long-term plan to eliminate the closed loop  
2 configuration for the traction power substations.

3 Is that a correct reading of your  
4 testimony?

5 A Yes, I would say so.

6 Q And you're not proposing at this point any  
7 particular plan; is that correct?

8 A Well, I'm proposing -- I think I included  
9 counting the automatic throw-over switch in rebuttal  
10 testimony. I think I threw three ideas out there;  
11 but I'm kind of leaving it up, in my testimony, to  
12 ComEd and the railroads to ultimately work out what  
13 they want to do at each traction power substation.

14 Q And in your testimony, you mention the fact  
15 that, Well, maybe a possibility would be that five or  
16 ten of the traction power substations could be  
17 converted each year; is that correct?

18 A Yes.

19 Q But you're not recommending that that  
20 actually occur, are you?

21 A No. No. I would just like to explain  
22 that. Unless -- it's my view -- or position that

1 unless there is some plan presented, in order for  
2 this condition to be eliminated, that it never will  
3 be eliminated and, therefore, this was one possible  
4 approach.

5 Q Now, in your review and in this case, is it  
6 correct that you really focused on the cost that  
7 would be incurred by ComEd if this type of conversion  
8 were to occur?

9 A No, I wouldn't say so. There would  
10 definitely be costs incurred by the railroads as  
11 well.

12 Q And -- but you didn't conduct an inquiry as  
13 to how much it might cost, for example, per traction  
14 power substation to make the adjustments to operate  
15 in an open loop configuration?

16 A I have not done an investigation. I have  
17 some experience with installing relays in  
18 substations. And based on that, I think I have a  
19 general -- a very general idea of what those might  
20 be.

21 Q But as to, for example, what a particular  
22 configuration of a CTA traction power substation

1     might be, you have not looked at that in particular,  
2     have you?

3             A     I have never set foot in one.

4             Q     And I believe in Mr. Born's rebuttal  
5     testimony, he mentioned a figure of -- that would  
6     cost ComEd about \$2.1 million to convert the  
7     circuits.

8                     Do you remember that testimony?

9             A     I do.

10            Q     Is it your understanding that that \$2.1  
11     million is for converting all of the traction power  
12     substations' circuits or is that per circuit?

13            A     My understanding of that dollar amount  
14     would be the amount required to eliminate ComEd's  
15     dependence upon the railroad's traction power  
16     substation.

17                     Specifically, there was a survey  
18     performed in a study whereby ComEd and others --  
19     other parties discovered ComEd actually depends upon  
20     a certain number of these stations and without them,  
21     they could not supply their customers.

22            Q     And it's your understanding that the

1     \$2.1 million would be to correct at least the  
2     dependence that ComEd has at those certain traction  
3     power substations?

4             A     That was my interpretation of that  
5     testimony.

6             MR. BALOUGH:   Thank you.

7             JUDGE DOLAN:   Thank you.

8             MR. GOWER:   Just a couple of quick questions,  
9     Mr. Rockrohr.

10                             CROSS-EXAMINATION

11                             BY

12                             MR. GOWER:

13             Q     I'm Ed Gower.   I represent Metra, who's one  
14     of the -- as you know, is one of the two members of  
15     the railroad class.

16                             Prior to making your recommendation or  
17     putting out the idea that, perhaps, Commonwealth  
18     Edison could buy the railroad facilities that are  
19     helping provide service to other members -- other  
20     customers of ComEd, did you have a chance to review  
21     testimony from any prior cases indicating that Metra,  
22     in fact, had purchased the substations from ComEd

1     when it bought its electric train service lines in  
2     order to ensure the reliability and make sure they  
3     had control over the maintenance of the electrical  
4     facilities that their commuters depend upon?

5           A     I think your question was, did I have an  
6     opportunity, and I may have; but the answer is, I  
7     didn't do so.

8           Q     Okay.

9           A     I did not review the prior case testimony.

10          Q     So that was just one of the ideas that you  
11     had for addressing this problem, right?

12          A     Correct.

13          Q     And prior to submitting your testimony, did  
14     you do any research to determine, in fact, how long  
15     this situation had existed?

16          A     I did some -- I submitted some data  
17     requests that indicated the history of the  
18     relationship between the railroads and ComEd. And,  
19     therefore, I had a vague idea of -- that it's been  
20     several decades.

21          Q     Okay. And are you aware over the course of  
22     those several decades of this configuration being in

1 place of any problems that have occurred as a result  
2 of ComEd's occasional dependence upon use of the  
3 railroad facilities in order to serve other  
4 customers?

5 A Well, yes, there are problems because in  
6 the previous two dockets, the railroads complained  
7 about the -- ComEd's use of those facilities without  
8 proper, I guess, allocation of cost -- getting a  
9 credit for that use.

10 Q The railroad's asked to be paid for the  
11 value of their facilities that they were contributing  
12 to service other customers, correct?

13 A Yes.

14 Q But from an operational perspective, are  
15 you aware of a single problem that has occurred over  
16 the course of the last 40 years as a result of the --  
17 Commonwealth Edison's use of the type bus system at  
18 the railroad substations?

19 A No.

20 Q Now, have you -- I know you haven't -- have  
21 you done any research to quantify what you think it  
22 might cost the railroad class to alter the current



1 configuration that exists at its -- at their  
2 substations?

3 A Some.

4 Q And have you come to a number that you  
5 think it would cost the railroad class to change that  
6 configuration in any respect?

7 A Again, I would -- I came up with a range.

8 Q And what was the range that you came up  
9 with?

10 A Per station, based on replacing some relay  
11 packages and assuming that the existing breakers  
12 could remain in service, the range that I felt would  
13 be reasonable to assume would be somewhere between 10  
14 and 25,000 per station.

15 Q And you came up with that calculation  
16 without ever setting foot in a substation, correct?

17 A As I said earlier, assuming that there was  
18 a place for the new relaying to be.

19 Q And when you came up with that -- after you  
20 came up with that configuration -- I assume you came  
21 up with that before you filed your direct testimony,  
22 correct?

1                   It's not in your -- you never put a  
2   cost estimate --

3           A     It's not in my testimony.

4           Q     And when you came up with -- after you came  
5   up with that estimate, did you read Mr. Born's  
6   testimony regarding estimated cost of 2 billion, I  
7   think, per circuit?

8           A     I don't believe that's his testimony.

9           Q     What do you believe his testimony is?

10          A     I believe his testimony was 2.1 million to  
11   eliminate overloads if they would no longer be able  
12   to utilize railroad equipment.

13          Q     Okay. Are you familiar with the current  
14   financial condition of either of the members of the  
15   railroad class?

16          A     No.

17          Q     Okay. You -- what are the benefits to the  
18   railroad class of spending money to alter the current  
19   configuration at its substations?

20          MR. FEELEY: Objection. No foundation for this  
21   questioning.

22          JUDGE SAINSOT: You could lay a little

1 foundation.

2 MR. FEELEY: Also for speculation by this  
3 witness.

4 MR. GOWER: I just -- Judge, this witness has  
5 proposed an idea of imposing costs on the railroad  
6 class to alter the configuration that exists. And I  
7 just -- I'm just trying to explore his understanding  
8 of -- if the railroad class is going to have to spend  
9 money on it, what are the benefits to the railroad  
10 class? Why would the railroad class go along with  
11 something like that? If they're not benefiting, why  
12 should the costs be imposed on the railroad class?

13 JUDGE SAINSOT: Overruled.

14 THE WITNESS: Well, it's my understanding that  
15 the railroad class is seeking some financial  
16 understanding, if you will, in order to continue the  
17 use -- ComEd's use of those railroad facilities.

18 So, in other words, other rate classes  
19 will be -- it's my understanding -- I am an engineer.  
20 I'm not a great design person; but my understanding  
21 is that the other classes then will in part be paying  
22 costs that in a different world, the railroad's would

1     be paying. And unless -- and unless my -- unless the  
2     ComEd -- ComEd's use of the railroad facilities is at  
3     some point addressed, then I don't understand how the  
4     allocation of railroad customer costs to other  
5     customer classes will ever end.

6     BY MR. GOWER:

7             Q     Do you know how Commonwealth Edison came up  
8     with its \$452,000 allocation of costs for these  
9     facilities?

10            A     Well, my understanding is it took a look at  
11     the facilities that the railroad class customers  
12     are -- have that they are using and placed a value on  
13     those and -- as if they would have to build those  
14     facilities themselves. And then I did some ratioing  
15     out to come up with that number.

16            Q     So it was the -- wasn't it on an annualized  
17     basis, one-third of the replacement cost for these  
18     facilities if Commonwealth Edison had to replace the  
19     facilities in order to serve its other customers?

20            A     It may have been. My testimony did not  
21     really address their --

22            Q     And isn't the Railroad, under Commonwealth

1 Edison's proposal, still absorbing -- first of all,  
2 they've provided free services for the last 40 years,  
3 correct?

4 A That's my understanding.

5 Q And do you know whether the railroad class  
6 and Commonwealth Edison have routinely cooperated in  
7 the operation of the buses so as to avoid any  
8 operational problems for either of the parties?

9 A Well, I couldn't say that I know that, no.

10 Q All right. But, anyway, to return to the  
11 cost allocation, what Commonwealth Edison has  
12 proposed is a one-third cost allocation to  
13 themselves, that means the Railroad still absorbs  
14 two-thirds of the cost to the facilities, correct?

15 A I -- subject to check.

16 Q Okay. And you're not advocating any  
17 particular approach to this issue, you just think  
18 that for future planning purposes, that there should  
19 be a plan in place to eliminate the -- Commonwealth  
20 Edison's reliance on the Railroad Class's facilities?

21 A That's my testimony.

22 Q And you haven't done an economic analysis

1 to determine whether it's cheaper to pay the railroad  
2 class than to alter the facilities, have you?

3 A I have not done an economic analysis.

4 Q And your est- -- the estimate that you came  
5 up with of 10 to \$25,000, did you have work papers  
6 for that that you produced?

7 A Nope.

8 Q That was just an off-the-cuff analysis by  
9 you?

10 A That was an off-the-cuff analysis by me  
11 based upon some experience and some information about  
12 automatic throw-over switches.

13 Q But nothing that you've committed to  
14 writing, correct?

15 A No.

16 MR. GOWER: That's all the questions I have.

17 CROSS-EXAMINATION

18 BY

19 MR. SKEY:

20 Q Good afternoon, Mr. Rockrohr. My name is  
21 Chris --

22 JUDGE DOLAN: I'm not showing that you had any

1 cross scheduled.

2 MR. SKEY: That's correct, your Honor. It's  
3 going to be short and it's based on some questions  
4 that Mr. Jenkins asked that I obviously didn't know  
5 what he was going to ask. So it will be short and it  
6 will be confined to the subject matter of  
7 Mr. Jenkins' cross-examination.

8 JUDGE DOLAN: All right.

9 MR. FEELEY: I guess I'll object. We're going  
10 to be here for two weeks if we allow this. I mean,  
11 people put in estimates. If he thought he might need  
12 some cross based upon what someone else -- he could  
13 have put in an estimate.

14 MR. SKEY: Well, I mean, you did put -- I'll  
15 point out two things: First of all, we've waived  
16 cross on two different witnesses that we thought we  
17 did have some cross on today. We don't know what the  
18 questions are that other questioners are going to ask  
19 in advance of their cross-examination. And it's been  
20 practice so far during the hearing that if issues are  
21 raised, someone's allowed to ask follow-up questions.

22 And I will confine it just to what

1 Mr. Jenkins asked.

2 JUDGE DOLAN: You know, I've practiced in a lot  
3 of forums, but this is the only forum that there are  
4 even estimates that I've ever seen and they're  
5 wonderful things. I'm not complaining, but I'm  
6 not -- what I'm saying is, that an estimate is not a  
7 legal standard thing. Certainly we all know that  
8 they're estimates. They're not precise.

9 So your objection is overruled. You  
10 can proceed, Mr. Skey.

11 MR. SKEY: Thank you, your Honor. And I will  
12 endeavor to make this short.

13 CROSS-EXAMINATION

14 BY

15 MR. SKEY:

16 Q Mr. Rockrohr, my name is Chris Skey. I  
17 represent the React Coalition.

18 How are you today?

19 A Good.

20 Q Now, I just want to turn -- as I indicated  
21 to the ALJs, Mr. Jenkins asked you a series of  
22 questions relating to the distribution loss factors.



1 Do you remember that?

2 A I do.

3 Q And that was in connection -- he was  
4 showing you ComEd Exhibit 34.1 at the time that he  
5 was -- Appendix C at the time that he was asking you  
6 those questions?

7 A Yes.

8 Q And do you have that handy?

9 A I do.

10 Q Okay. Now, I just want to clarify, he  
11 asked you a series of questions where he sort of  
12 walked through increasingly large customer classes.  
13 And I believe he started with the large customer  
14 class and then he moved to the very large customer  
15 class. And he asked you if the amount of  
16 distribution loss would change as you moved up the  
17 chain, so to speak.

18 Do you recall that?

19 A I believe I do, yes.

20 Q And you indicated that, generally speaking,  
21 between the large customer class and the very large  
22 customer class, as you move up those two classes, you

1     might see an increase in the amount of distribution  
2     loss; is that accurate?

3             A     What I intended to say was the load -- I'm  
4     not certain if I said "loss." I should have said  
5     "load" as you walk across to the right.

6             Q     Okay. And then he took you from the very  
7     large load -- or very large-load class up to the  
8     extra-large-load class, the over-10-megawatt  
9     customers.

10                   And it was my understanding of your  
11     testimony that when you get to the extra-large-load  
12     class, the distribution loss actually might go down,  
13     right?

14             A     Well, I think I stated that the secondary  
15     and service portion may not exist.

16             Q     Right. Okay.

17                   So, in other words, there's not a  
18     linear relationship between the amount of energy a  
19     customer is necessarily using and the amount of  
20     distribution loss? We shouldn't assume that's the  
21     case, should we?

22             A     I don't think that would be a safe

1       assumption to make.

2               Q     Okay.  And that's not surprising, right,  
3       because they use different equipment?  Some of the  
4       very largest customers don't use some of the  
5       equipment that some of the smaller customers might  
6       use; isn't that accurate?

7               A     That would be true.

8               MR. SKEY:  I have no further questions.

9               JUDGE DOLAN:  Thank you.

10              MR. SKEY:  Thank you.

11              JUDGE DOLAN:  Mr. Robertson?

12              MR. JENKINS:  He has no questions for this  
13       witness.

14              JUDGE DOLAN:  Then, Mr. Rippie?

15              JUDGE SAINSOT:  I have just one question.

16                               EXAMINATION

17                               BY

18                               JUDGE SAINSOT:

19              Q     Mr. Rockrohr, I may have missed this from  
20       your testimony; but just in case it's not there,  
21       could you define the term "bus."  
22                               Because you're not using it in normal

1 English.

2           A     Within a substation, usually there are  
3 wires like you'd see along the street that supply  
4 that substation; but once you get inside the fence,  
5 if you will, at the substation, there is a rigid --  
6 it looks like a pipe arrangement which would travel  
7 some distance -- it doesn't have to be, but it's  
8 usually horizontal to the ground and elevated on a  
9 structure. And off of that long pipe is where the --  
10 in the case of the railroads, they would be able to  
11 tap different portions in order to supply their load.

12                         So the bus in this case would not --  
13 would basically be a rigid conductor.

14           JUDGE SAINSOT:   Okay.   Thanks.

15                         CROSS-EXAMINATION

16                         BY

17                         MR. RIPPIE:

18           Q     Good afternoon, Mr. Rockrohr. It's also  
19 safe to assume that when you talk about a breaker,  
20 we're not talking about waves crashing over majestic  
21 shores, right? We're talking about an automatic  
22 disconnection device?

1           A     That's true.

2           Q     Okay. I have very few questions to ask you  
3     on subject matters that are not likely to involve any  
4     confidential information. The first has to do with  
5     what you term in your direct testimony "residential  
6     service stations."

7                     Do I understand your testimony to be  
8     that you have become aware that certain of ComEd's  
9     residential customers own utility voltage equipment  
10    that is located on their own -- that is, the  
11    customer's own property where those facilities exceed  
12    those required for standard residential service?

13          A     I'm sorry. I need you to throw that at me  
14    again.

15          Q     You know what, I'll break this all up. I  
16    was trying to be a little quick with my introductory  
17    question.

18                    But you discuss in your testimony  
19    under the heading Residential Service Stations a  
20    circumstance where certain ComEd residential  
21    customers own utility voltage equipment, right?

22          A     Yes.

1           Q     And that equipment is located on the  
2     residential customer's own property, right?

3           A     Yes.

4           Q     And that equipment is owned by those  
5     customers in circumstances where the customer needs a  
6     longer connection than would be standard, right?

7           A     Yes.

8           Q     Okay. Now, that circumstance has existed  
9     for decades, right, that practice?

10          A     At ComEd?

11          Q     At ComEd.

12          A     That's my understanding.

13          Q     Okay. In fact, is it fair to say that it's  
14     been a practice of ComEd for as long as anyone who is  
15     now around at the company or staff can remember?

16          A     I couldn't testify to that.

17          Q     Okay. But you are now recommending making  
18     a complete change to that policy, right?

19          A     No, the -- not a complete change. There  
20     would still be primary conductors on residential  
21     customer's private property.

22          Q     You recommend making a complete change to

1 the ownership policy such that all primary voltage  
2 lines would have to be owned by ComEd?

3 A On residential -- to serve residential  
4 customers, yeah.

5 Q Correct. Good point.

6 And is it correct that the main reason  
7 for your recommendation is concerns about the safety  
8 effects of residential customer's operation -- or --  
9 I shouldn't say "operation" -- I should say  
10 maintenance of those lines?

11 A That is a major concern, yes.

12 Q Okay. Was there any other concern  
13 articulated in your testimony besides a safety  
14 concern?

15 A I believe I testified that I found it to  
16 be -- that it would be confusing to customers.

17 Q And it would be confusing because they  
18 wouldn't know whether or not they had to maintain it,  
19 right?

20 A Yes, they would not know that they owned  
21 those facilities.

22 Q So it boils down to a concern that whether

1     because of confusion or some other reason there's a  
2     maintenance issue that might be problematic; is that  
3     fair?

4             A     Yes.

5             Q     Can you identify any event of personal  
6     injury or death that has ever occurred as a result of  
7     a failure of customer-owned primary -- residential  
8     customer-owned primary voltage lines on their own  
9     property?

10            A     Not sitting here today.

11            Q     Has Staff done an investigation to  
12     determine whether any such record exists?

13            A     I have not.

14            Q     But can you also identify any event ever of  
15     material property damage having occurred because of a  
16     maintenance failure on residential primary voltage  
17     customer-owned facilities?

18            A     Again, not personally sitting here.

19            Q     Would you agree that there are other  
20     factors that the Commission should consider in  
21     deciding to eval- -- deciding whether to adopt your  
22     policy recommendation such as what the cost would be



1 to adopt it, its practicality and the degree to which  
2 adopting your recommendation would take ComEd  
3 personnel away from other important functions?

4 A Those three issues should be considered.

5 Q But we haven't had time to consider them  
6 yet, have we, Mr. Rockrohr, not because of your fault  
7 or ComEd's?

8 A Honestly, I don't know how long that would  
9 take.

10 Q Right.

11 A So I couldn't answer that either.

12 Q Okay. Well, could you answer, we haven't  
13 done a study to consider them yet, right?

14 A To my knowledge, you haven't.

15 Q Do you think it would be wise to do such a  
16 study?

17 A I don't think such a study would harm  
18 anything. I don't know that such a study is  
19 necessary.

20 Q But such a study would be necessary if we  
21 were to assess accurately what the cost would be,  
22 what the practicality would be and what the degree to

1     which undertaking your recommendation would divert  
2     personnel from other important functions; isn't that  
3     correct?

4             A     I think a study could provide those  
5     answers.

6             Q     Now, would you also agree that ComEd has no  
7     way to -- to use your words -- assume ownership of  
8     customer-owned facilities other than if the  
9     individual customers voluntarily transfer those  
10    facilities to ComEd?

11            A     I believe some kind of customer contact  
12    would be necessary.

13            Q     But since -- I mean, we're talking about  
14    property that currently the customers' own, right?

15            A     We're talking about property that some  
16    customers own and don't know that they own.

17            Q     But they do own them, right?

18            A     That's what ComEd maintains.

19            Q     Okay. Well, to the extent they own them,  
20    in order for ComEd to begin to own them, the customer  
21    would have to do more than be contacted, the customer  
22    would actually have to transfer title to those

1     assets, right?

2             A     That makes sense to me, yes.

3             Q     And I want to ask you a different set of --  
4     I pose only three questions following up to what  
5     Mr. Jenkins asked you.

6                     Do you recall at the very end of his  
7     cross-examination when you were discussing the amount  
8     of load on particular pieces of equipment that  
9     Mr. Jenkins described the assessment as guesswork?

10                    Do you remember that?

11            A     Yes.

12            Q     Do you really mean guesswork in the sense  
13     that it's an assumption without basis?

14            A     It's an approximation.

15            Q     And it's an approximation based on the  
16     engineering judgment of the people conducting the  
17     study?

18            A     That would be accurate.

19            Q     Is it fair to say that those kinds of  
20     engineering judgments have been accepted by the  
21     Commission in the distribution loss studies in the  
22     past?

1           A     That's my understanding, yes.

2           Q     I only have two more nonconfidential

3     questions for you.

4                     During your career as a utility

5     engineer prior to coming to the Commission -- okay.

6     I said two more.  There's three more -- that was at

7     PG&E; is that right?

8           A     That was one of them.

9           Q     Well, PG&E or anywhere else, have you ever

10    been an engineer that was principally responsible for

11    the design of an underground 138 kV high-pressure

12    fluid-filled cable?

13          A     No.

14          Q     And have you ever been the engineer

15    principally responsible for the operation and

16    maintenance of an underground 138 kV high pressure

17    fluid-filled cable?

18          A     Not the primary engineer.

19          MR. RIPPIE:  Thank you very much.  That's all I

20    have except for the topic that is likely to be

21    confidential.

22                     We had discussed with Staff, your

1 Honors, a stipulation that reduced the amount of  
2 cross-examination, which is that a particular data  
3 request would be admitted into evidence.

4 If I can just approach the witness and  
5 have him verify that it's an accurate copy. It's  
6 Data Request 9.21 and it will be marked for the record  
7 as ComEd Cross-Exhibit No. 8.

8 BY MR. RIPPKE:

9 Q Would you just please just verify that this  
10 is a true and correct copy of your response to ComEd  
11 Data Request 9.

12 A It is.

13 MR. RIPPKE: Thank you very much.

14 That's all I have on the  
15 nonconfidential phase. And I guess I would move it  
16 into evidence.

17 MR. FEELEY: No objection.

18 JUDGE DOLAN: All right. Then ComEd  
19 Cross-Exhibit No. 8 will be admitted into the record.

20 (Whereupon, ComEd Cross-Exhibit  
21 No. 8 was admitted into  
22 evidence.)

1           MR. FEELEY: Can I have one moment with my  
2 witness? I'll see if there's any redirect.

3           JUDGE DOLAN: We're off the record.

4                               (Whereupon, a discussion was had  
5                               off the record.)

6           JUDGE DOLAN: We'll go back on the record.

7           MR. FEELEY: Staff has no redirect on the  
8 nonconfidential information.

9           JUDGE DOLAN: Okay. Then at this point, we  
10 will be going into close -- is it closed session?

11          JUDGE SAINSOT: Right, closed session.

12          JUDGE DOLAN: And then -- and just so we  
13 know -- just a reminder for all of us that we will  
14 have to make a motion to go back into open session.  
15 Just so we remember that. Okay.

16          MR. SKEY: Your Honor, could I just make sure I  
17 understand what you're doing here. Anybody who's  
18 signed the protective order documents is permitted to  
19 stay in the room?

20          JUDGE DOLAN: Right.

21          JUDGE SAINSOT: Right. We just don't want to  
22 broadcast it over the Internet if there's

1 confidential information, that's the issue.

2 MR. RIPPIE: And I think I can assure you that  
3 you're not going to be terribly interested in this  
4 cross.

5 MR. SKEY: I'll do my best.

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1 (Whereupon, the following  
2 proceedings were confidential.)  
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